United Nations CEDAW/C/PSE/1

# Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
24 May 2017
English
Original: Arabic

**Committee on the Elimination of Discrimination against Women**

## Consideration of reports submitted by States parties under article 18 of the Convention pursuant to the simplified reporting procedure

### Initial reports of States parties due in 2015

### State of Palestine*

[Date received: 10 March 2017]

*Note:* The present document is being circulated in Arabic, English, French and Spanish only.

* The present document is being issued without formal editing.

17-08413 (E) 070717 270717

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# I. Introduction

1. The State of Palestine acceded to the Convention on the Elimination of All Forms of Discrimination against Women on 1 April 2014, without submitting reservations to any of its articles. This is the official report of the State of Palestine, submitted under article 18 of the Convention. It surveys and details national legislative provisions and regulatory measures relating to implementation of the Convention and the ways those provisions affect the rights of Palestinian women and girls. The report contains data and information on the ongoing national effort to implement the Convention and bring about both de jure and de facto equality between men and women. It lays out the challenges facing the State of Palestine in implementing the Convention. It also describes the situation of Palestinian women under colonial Israeli occupation and the effects of illegal Israeli policies that are part of an institutionalized regime founded on settlement, systematic oppression and discrimination. All levels of the Israeli political and military apparatus, including the Israeli occupation army and the terrorist settler militias, are implicated in the systematic and wide-ranging crimes and violations being perpetrated at against Palestinian women and the entire Palestinian people wherever they are suffering.

2. The present report has been prepared by a joint committee composed of the relevant government agencies and civil society institutions, with a view to providing relevant information and data. The report has been presented to relevant government agencies and civil society institutions at intensive workshops and consultations that covered all its aspects and provided opportunities to discuss it prior to adoption of the final version and submission to the Committee on the Elimination of Discrimination against Women.

3. The report addresses the Convention's provisions one by one, and deals with articles in the order in which they appear in parts I, II, III and IV of the Convention. In preparing its report, the State of Palestine has been mindful of the reporting guidelines and general recommendations annexed to the Convention; the Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties published on 3 June 2009; the Beijing Declaration and Platform for Action; and the Sustainable Development Goals, in particular Goal 5 on achieving gender equality and empowering all women and girls. The State of Palestine stresses that this report in no way relieves Israel, the occupying Power, of its obligation under international law — in particular under international humanitarian law, international human rights law, and the 2004 advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory — to honour and implement the provisions of the Convention with respect to Palestinian women and girls. Neither does the report in any way affect the right of Palestinians, wherever they may be, to exercise their historical and inalienable rights, including the right to self-determination and the right of return. Lastly, it must be stressed that the present report should be read within the overall context of the common core document.

# II. Information relating to the substantive articles of the Convention

## Part 1

### Article 1
### The definition of discrimination against women

4. Legislation currently in force in occupied Palestine does not provide for an explicit definition of the term "discrimination against women". However, the 1988 Palestinian Declaration of Independence, our most important national historical document, guarantees full equality without discrimination to all Palestinians, men and women, in the exercise of their rights and freedoms. It states explicitly that "the State of Palestine shall be for Palestinians, wherever they may be therein to develop their national and cultural identity and therein to enjoy full equality of rights. Their religious and political beliefs and human dignity shall therein be safeguarded under a democratic parliamentary system based on freedom of opinion and the freedom to form parties, on the respect of the majority for minority rights and the respect of minorities for majority decisions, on social justice and equality, and on non-discrimination in civil rights on grounds of race, religion or colour, or between men and women, under a constitution ensuring the rule of law and an independent judiciary and on the basis of true fidelity to the age-old spiritual and cultural heritage of Palestine with respect to mutual tolerance and coexistence among religions". That document also declares the commitment of the State of Palestine to "the purposes and principles of the United Nations and the Universal Declaration of Human Rights".

5. Both the legal framework and the preamble of the 2003 Amended Basic Law prohibit discrimination against women. The provisions of that Basic Law enshrine the equality of all Palestinians before the law and the judiciary without discrimination. Article 9 states explicitly that "Palestinians shall be equal before the law and the judiciary, without distinction based upon race, sex, colour, religion, political views or disability". That makes gender equality and non-discrimination against women legal principles of the highest order. Any legislation that does not comply with those principles is subject to nullification by the Constitutional Court on the basis of general principles. Article 10 of the Basic Law provides that "basic human rights and liberties shall be protected and respected" and that Palestine "shall work without delay to become a party to regional and international declarations and covenants that protect human rights".

6. The accession of the State of Palestine without reservations to the Convention on the Elimination of All Forms of Discrimination against Women, and to other international human rights instruments that provide for equality and non-discrimination on the basis of gender, means that Palestine has declared its recognition at the highest political level of the definition of gender discrimination contained in those instruments and its commitment to taking all measures necessary to prohibit such discrimination in all its forms.

7. On 7 May 2014, immediately following Palestine's accession to the Convention, as part of the overall national effort to integrate human rights standards into its national legislation, the Palestinian President issued a decision forming a Standing National Ministerial Committee for Follow-up on the Accession of the State of Palestine to International Treaties and Instruments. That Committee's membership includes the Ministry of Foreign Affairs (as chair), a number of other ministries and national agencies, and the Independent Commission for Human Rights (as an observer). That Committee has a subcommittee called the Committee

of Experts, which is charged with the following tasks: ensuring that the State of Palestine complies with and honours the agreements to which it is a party; preparing and submitting the initial and periodic reports of the State of Palestine to convention bodies; and reviewing legislation with a view to proposing amendments to bring it into line with international standards. That has given a fresh impetus to the incorporation into legislation of the definition of discrimination against women and other provisions of the Convention. The Committee of Experts is also responsible for submitting official reports to human rights treaty bodies and following up on concluding observations issued by those bodies.

8. With a view to combating discrimination, including de facto discrimination, the 2011 proposed draft Palestinian penal code prohibits acts of discrimination, including discrimination on the basis of gender. Article 546 defines discrimination as follows: "any differentiation among natural persons on the basis of national origin, social origin, colour, sex, family status, health condition, disability ..." It penalizes anyone who commits the crime of discrimination with imprisonment for a period of no more than two years and/or a fine of no more than $1500. That draft code has figured prominently in ongoing reviews of legislation in force. Government agencies, in conjunction with civil society organizations, have begun to review its provisions with a view to harmonizing them with international standards and amending those that do not conform to those standards.

**Article 2**
**Embodying the principle of equality and prohibiting discrimination against women**

9. The Amended Basic Law incorporates the right of women to equality, non-discrimination and equality of opportunity by virtue of its guarantee, in article 9, that they should enjoy all human rights and freedoms. The Basic Law also establishes numerous general legal safeguards that contribute to ensuring the right of women to equality. They include the principles of the rule of law and separation of powers, which are stated to be the basis of governance in Palestine, and which are among the most important guarantees of all rights — including those of women — against violations by any individuals or parties. In particular, those two principles serve as a safeguard against arbitrary abuses of power by the authorities, and guarantee recourse to independent judicial bodies in cases of violation.

10. Palestine first adopted the Convention on the Elimination of All Forms of Discrimination against Women with a 2005 Cabinet decision. In 2009, Palestine ratified the Convention with a unilateral declaration contained in Presidential Decree No. 19 of 2009. On 1 April 2014, less than a year and a half after Palestine was granted observer State status by the United Nations, Palestine acceded to the Convention without reservations. That was a concrete expression of political will and a qualitative step forward in national efforts to protect the rights of Palestinian women, rid national laws and policies of provisions that discriminate against women, and combat de facto discrimination in all areas.

11. During the 2014-2016 period, Palestine substantially expanded the number of international agreements to which it is a party. It has acceded to 55 international agreements and treaties, which has solidified the status of the State and its institutions regionally and internationally, contributed to international protection for the Palestinian people under Israeli occupation, and affirmed Palestine's commitment to international human rights standards, democracy, personal and public freedoms, pluralism, transparency and accountability. Palestine is currently considering accession to the Optional Protocol to the Convention, but no decision has yet been issued.

12. On the regional level, Palestine joined the Arab Women's Organization of the League of Arab States on 18 March 2003. In 2013, Palestine acceded to the Basic Statute of the Women's Development Organization of the Organization of Islamic Cooperation.

13. The Palestinian Government has adopted a number of national policies that commit it to transparency, accountability and respect for human rights, including first and foremost women's rights. The most important of those are contained in the Palestinian National Development Plan 2014-2016: State-building to Sovereignty, which makes greater protection for Palestinian women a national priority. It guarantees greater participation in the labour market, facilitated access to all essential services and the right to equality and equal opportunity without discrimination. The Plan calls for finalizing reviews of legislation in force to ensure the integration of women's rights; integrating gender into national, sectoral and budget policies; enhancing accountability and oversight mechanisms; providing employment opportunities on an equal footing with men; protecting women from all forms of violence and facilitating access to justice, especially for the most vulnerable women in rural areas, refugee camps, areas adjacent to the illegal annexationist and expansionist wall, East Jerusalem and the Gaza Strip; creating a social environment conducive to increased women's participation in political, community and cultural life and a greater role in decision-making; and working to protect women from the crimes of the Israeli occupation.

**National women's rights mechanisms**

14. Efforts to realize women's rights and gender equality are being made across various sectors and by a number of national mechanisms established for that purpose. We mention the following by way of example; unfortunately, space constraints prevent us from including all of them.

## I. Palestine Liberation Organization mechanisms

**The General Union of Palestinian Women**

15. The Union was founded in 1965 as a democratic mass organization and a pillar of the Palestine Liberation Organization. It works to organize Palestinian women, include them into national liberation movement against the Israeli occupation, raise their awareness about the importance of participation in decision-making positions within political frameworks, and integrate them into the labour force.

## II. Government mechanisms

**The Ministry of Women's Affairs**

16. The Ministry of Women's Affairs was established in 2003 to improve the overall situation of women and expand the Government's commitment to formulating and implementing policies, strategies and measures to eliminate discrimination. The Ministry adopted the relevant international agreements and the Beijing Platform for Action at its inception. The Ministry's effort towards the adoption of measures to enhance gender equality include the following: proposing and drafting laws and amendments; setting forth economic, cultural, social and media strategies to promote women's equality and raise awareness of women's rights across sectors; institutionalizing gender diversity within ministries and within the relevant institutions in the principal sectors; promoting national consolidation and coordination of efforts among major institutions; and promoting dialogue towards a consensus on priorities for action on women's issues.

### The Ministry of Social Development

17. In its capacity as the lead official agency in the social protection sector, the Ministry works to provide social protection and eliminate all forms of marginalization, violence and social exclusion; to strengthen social cohesion through a set of policies, measures, and relief, protection and development interventions that, taken as a whole, help to combat poverty and unemployment, and promote social justice.

### Gender units

18. Gender units within Government agencies have been reorganized to ensure that gender issues are integrated institutionally across sectors and that drafting and follow-up of Government programmes and policies is informed by a gender perspective. There are 22 such units to date. They face certain challenges posed by gender disparities in functions, hierarchies and staff, and the absence of consolidated budgeting, despite a ministerial decision mandating consolidation of hierarchies and functions.

### Women's development offices

19. Starting in 2007, such offices were established in all the governorates with a view to improving the situation of women, empowering them and mainstreaming gender into the provision of services.

## III. Civil society mechanisms

### Non-governmental women's institutions

20. These institutions work to support and empower women in all areas and raise awareness within the community about the rights and status of women. They play an important role in putting an end to customs and practices that discriminate against women. They provide a range of services, in particular for women victims of violence, including hotlines and safe houses. They also take part in discussions about amending legislation to promote women's rights and ensure their exercise in practice.

### Non-governmental development institutions

21. Many non-governmental institutions working to combat poverty and promote development and empowerment help to respond to the needs of women, in particular in rural and marginalized areas. That includes non-governmental organizations that offer lending services to micro-enterprises with a view to promoting sustainable development.

### The national judicial system

22. The national judicial system, which has jurisdiction over issues relating to the Convention, is an additional safeguard that strengthens the protection of women and gender equality. Article 30, paragraph 1, of the Basic Law provides that the right to litigation is sacrosanct and guaranteed to all people, that every Palestinian has the right of recourse to his natural judge, and that litigation procedures shall be regulated by law to ensure prompt settlement of cases. Article 32 of the Basic Law provides that any violation of personal freedoms, the sanctity of human life, or any other public rights and freedoms guaranteed by the Basic Law or laws in force is a crime not subject to any statute of limitations with respect to civil or criminal proceedings, and that the National Authority shall provide just compensation to anyone who suffers damages thereby.

23. The judiciary is regulated by peremptory norms and general principles that provide women with legal protection against discriminatory acts. Any judicial ruling or decision that departs from such norms and principles is considered null and void. The most important of those principles include the following: the independence of the judiciary; non-intervention in the judiciary or in matters of justice, with no authority over a judge other than the law; the rule of law; equality before the law and the courts; the right to a fair trial; the right to a speedy judgment; and the principles of good governance.

24. Under the Amended Basic Law, court judgments are binding. Refraining from or obstructing their enforcement in any way is a crime punishable by imprisonment and dismissal from post if the accused is a public official or anyone charged with public service. The prevailing party has the right to appeal directly to the competent court, and the Government is responsible for guaranteeing compensation.

25. The Supreme Constitutional Court has jurisdiction for constitutional oversight of legislation. Any woman affected by any legislative provision that contravenes the Basic Law may file an appeal before that court. Where the Court hands down a ruling of unconstitutionality, all parties are prohibited from implementing the overturned provision until it is amended to conform to the Basic Law. The woman victim receives her due, and is compensated for any damages.

26. The Supreme Constitutional Court has the authority to establish legal protection for any individual — man or woman — who is the victim of an act of discrimination committed by a Government agency, and to reverse that act and restore the status quo ante. It does so on the basis of its authority to review and adjudicate disputes stemming from administrative decisions, including disputes relating to public posts, and even issues that are not per se court cases or legal proceedings, but merely petitions or claims, if they are outside the purview of any other court and must be ruled on in the interests of justice.

27. The sharia courts and ecclesiastical courts have the authority to rule on cases involving personal status and marital disputes that relate to marriage contracts, including divorce, separation, alimony, child support and custody. Unfortunately, rulings are often made on the basis of personal status codes that are still discriminatory against women. Each sharia court has a family counselling unit that tries to strengthen family bonds and resolve disputes between spouses. Such units help to minimize marital disputes and divorce. Periodic workshops are held to discuss and develop standard operating procedures for those units, with sharia judges in attendance.

28. During the 2014-2016 period, several training sessions were held for Government and sharia judges, prosecutors and family protection units in the Civil Police. Those sessions dealt with human rights principles in general and women's rights in particular. They covered the Convention and mechanisms for intervening in cases of gender-based violence, including the role of forensic medicine in detecting such violence.

**Responsibility for the actions of public authorities**

29. Women benefit from the general guarantees established by legislation in force that protect the rights of both men and women equally against potential violations by the State or its agencies. Existing legislation allows any individual to sue judges and prosecutors for fraud, avoidable gross negligence and other types of misconduct, and to be awarded compensation.

30. Further protection is provided for both women and men against any violations stemming from abuse of authority by public officials — including health

professionals — and any attempts to conceal such crimes. A public official is any civil servant in administrative or judicial service, any member of the civilian or military authority, and any State employee or person hired by the State.

31. Under the Amended Basic Law, homes are inviolable. No one, not even a public official, may put under surveillance, enter or search a home without a valid court order. Any effects stemming from a violation of that provision are null and void, and anyone suffering damage as a result of such violation has the right to fair compensation guaranteed by the public authorities. That provides a safeguard against women being forcibly uncovered and having their privacy violated.

32. The codes of criminal, civil and commercial procedure provide for confidentiality of hearings that involve family matters. That protects women against exploitation, distortion or public exposure of their private lives and personal affairs. Those codes also make a point of protecting women against sexual exploitation during criminal procedures, including by allowing women to be searched only by duly deputized female officers.

33. The Personal Status Code and the Penal Code require marriage contracts to be registered in accordance with legal procedures. Failure by a sharia officiant to register a marriage contract or follow the above rules is punishable by a fine and dismissal. That is in order to protect all a woman's rights under her marriage contract and to verify the provenance of offspring.

34. Lastly, in 2013, the Cabinet approved the National Referral System for Women Victims of Violence ("Takamul"). That document sets forth principles that, taken as a whole, form the basis for a kind of national contract that clarifies the rights and obligations governing the relationship between providers of medical, social and police services on the one hand, and women victims of violence on the other. Service providers are prohibited from exploiting women victims in any way. They are forbidden from encouraging those women to become psychologically or emotionally attached to them, entering into any relationship with them outside of their professional relationship, or withholding service in order to pressure them for illicit purposes. Those service providers are also obligated to respect and value women victims of violence. They must honour those women's right to make their own decisions, must provide services without discrimination, and must keep all information confidential.

**Responsibility for the acts of third parties**

35. The Government is intent on adopting measures to protect women from attacks and discriminatory acts by individuals or private parties, and to ensure that they are compensated in such cases. For example, the Palestinian Government disburses monthly payments from its budget through the relevant agencies to the families of martyrs, injured persons and prisoners. That is in order to alleviate the impact of crimes perpetrated by the Israeli occupation. It is usually women who are the most affected by those crimes, notably when income is cut off because a family member or the breadwinner is killed, imprisoned or injured.

36. An Alimony Fund was set up by Law No. 6 (2005) in order to help marginalized families maintain their human dignity in cases where the husband or relatives fail to carry out their financial support obligations. That Fund pays regular monthly court-ordered alimony and any arrears to wives, women observing the prescribed post-divorce waiting period, children, parents and dependent relatives in cases where there is a problem collecting alimony from the legally responsible party because he is absent, his place of residence is unknown, he does not have sufficient funds to comply with the judgment, or for any other reason. Both residents and non-residents of the State of Palestine are eligible to benefit from the Fund. All

Palestinian women are entitled to benefit from the Fund regardless of their husband's nationality or religion, or their own place of residence. That includes Palestinian women who live in the State of Palestine, who stayed inside the Green Line after the 1948 Nakba, or who live abroad. Foreign women residing in Palestine who married Palestinians are also eligible. Alimony is disbursed within 15 days from the date of the completion of the application and required legal procedures. There is an allocation for the Fund in the annual State budget.

37. The Labour Inspection Board, which was established by the Labour Law and is subsidiary to the Ministry of Labour, protects men and women workers in both the private and public sectors That Board is responsible for monitoring workplaces, terms of employment and working conditions. It receives, follows up and investigates complaints from men and women workers. Any woman worker may inform the Board of any violation, act of discrimination or punitive measure taken against her by an employer. It is prohibited to discontinue or terminate a woman's — or man's — employment for submitting such a complaint. The Board has judicial police status. It has the right to conduct workplace inspections without advance notice and to ask employers or workers to turn over documents relating to working conditions. Penalties are imposed on an employer in accordance with the law where that employer is proven to have committed a violation, including an act of discrimination against women.

**Punitive legislation**

38. Laws previously in force granted exonerating or mitigating factors to a man murdering a woman in what is known as an "honour killing". That was applied in cases where a man catches his wife or one of his close female relatives in an adulterous situation with another person and kills, injures or harms both or one of them. It also applies where a man catches his wife or one of his ascendants, descendants or sisters in an illicit sexual situation with another man. (Article 340 of the Jordanian Penal Code (No. 16 of 1960), which is applicable in the West Bank, and article 18 of the Mandate-era Penal Code (No. 74 of 1936), which is applicable in the Gaza Strip).

39. Murders of women have been on the rise in recent years. Every time, the perpetrators use the pretext that they were driven to murder by an "offence against honour". In most cases, the legal system is lax about imposing penalties, a thorough investigation is not conducted, and the elements and conditions for exonerating factors are granted. In May 2011, Decree Law No. 7 repealed the exonerating and mitigating factors provisions for so-called honour killings. Unfortunately, that repeal has not stopped murderers of women from using other provisions, including the following: general provisions on exonerating and mitigating circumstances contained in penal codes; the provision for mitigating circumstances when a person commits a crime in a fit of rage (1960 Penal Code, article 98); waiver by relatives (the family of the woman victim) of their personal rights against the perpetrator; and other provisions on mitigating factors (articles 99 and 100). Any of those factors can ultimately result in a reduced sentence, either by law or at the judge's discretion, which tends to favour the perpetrator.

40. In the light of all these factors, and pursuant to Palestine's accession to the Convention, our President issued a decree law on 11 May 2014 that expressly excludes perpetrators of honour killings from the benefit of the mitigating factors provided for in article 98 concerning the commission of a crime in a fit of rage. While that decree law was a positive step towards eliminating discrimination against women in penal legislation, it did not abolish the other articles that are habitually invoked before a judge to reduce sentences — such as the one on waiver of personal

rights against the perpetrator — and the other legal grounds that grant judges the discretion to hand down reduced sentences.

41. The proposed draft penal code would do away completely with exonerating factors in cases of honour killings of women, and would grant same right to the wife as the husband to claim mitigating factors if she kills or injures him or his partner after catching them in an adulterous or illicit sexual situation. However, widening the scope of mitigating factors to include the woman — as opposed to abolishing them altogether — violates the rights of the man or woman in question to life, personal and physical safety, and a fair trial, as well as the principle of proportionality between crime and punishment.

42. Legislation in force discriminates between men and women by providing for different penalties for the same crime, which is a breach of legal principles. For example, women are punished for an adulterous act by a prison term of between six months and two years, regardless of marital status. However, her adulterous male partner is punished by the same penalty if he is married, but only half as long if he is not married. The proposed draft Palestinian penal code does not discriminate between men and women with regard to the crime of adultery. It includes identical provisions for both with respect to both the elements of the crime and the sentence.

43. Penal legislation in force criminalizes rape and other coercive sexual acts committed against women, such as indecent assault, seduction, indecent fondling, abduction, proposing indecent acts or using indecent language. However, it does not impose deterrent penalties commensurate with the severity of the offences. The penalty for rape is a sentence of only five to seven years if the victim is under 15. If the victim is between the ages of 15 and 18, and the rapist is one of her legitimate or illegitimate ancestors, he is punished by a sentence of 3 to 15 years. In the event that a valid marriage is contracted between the rapist and the victim, the prosecution or the sentence, as the case may be, is suspended. That ends up being a double punishment for the victim, not to mention the psychological effect on the woman and the fact that it leaves the door to impunity wide open for the perpetrator. The Public Prosecutor has the right to resume prosecution or reimpose the sentence if the marriage ends in the victim being divorced for no legitimate reason within three years of a misdemeanour assault or five years of a felony assault. In addition, that legislation places coercion of a wife outside the scope of criminalization. In other words, it permits marital rape, which is among the worst types of domestic violence against women and yet another dimension of the violation of women's rights, the inviolability of their persons, and their dignity.

44. By contrast, the proposed draft penal code raises the penalty for rapists to 20 years, and life imprisonment if the victim was under 18 or unable to resist due to impairment or disability. The draft code also does not exempt a perpetrator from prosecution if he marries the victim. However, the draft's provisions still exclude marital rape from the scope of criminalization, except in cases of intercourse that goes against nature without the wife's consent. In such cases, the husband is penalized by imprisonment or a fine.

45. In general, the draft code expands the scope of criminalization of gender-based violence. It also strengthens the characterization of crimes against women and the penalties for perpetrators, including incest, indecent assault, indecent fondling, proposing acts contrary to public decency, seduction and corruption of marital bonds. For example, penal codes in force punish both parties involved in the crime of incest with imprisonment for 2 to 3 years, and treat it as a misdemeanour in all cases, with no consideration to whether one party had de jure or de facto control over the other. By contrast, the proposed draft code distinguishes between two varieties of that crime. The first is incest where one of the parties has sharia, legal

or de facto control over the victim, in which case the former is punished by imprisonment for at least 7 years (with the act treated as a felony) and the latter by imprisonment for at least 3 years (with the act treated as a misdemeanour). The second case is where incest occurs without any relationship of control between the two parties, in which case both are imprisoned for at least 5 years (with the act of both treated as a felony).

46. The proposed draft penal code goes even further. It treats the commission of any crime against a woman as an aggravating factor in and of itself regardless of the sentence.

**Challenges**

47. Palestinian women suffer from a system that is discriminatory at every turn. The worst aspect is the colonial Israeli occupation and its major violations of international law in general and of international human rights law in particular. Those violations are committed by both the armed forces and the settlers who have infiltrated the West Bank, including Jerusalem, and surround the Gaza Strip. The consequences of those violations are felt directly by Palestinian women. There is scarcely a single Palestinian woman who has not been touched — directly or indirectly — by the crimes of the Israeli occupation. Those crimes include, inter alia: extrajudicial murder and execution; attacks on civilians, including prominent citizens; arbitrary arrest, including administrative detention; torture and inhumane abuse; settlement expansion; continued construction of the annexationist expansionist wall, and perpetuation of the racist regime that it exemplifies through military roadblocks, checkpoints, permits, identity papers, land appropriation and destruction of property; destruction and theft of crops; closures; ongoing crimes committed with impunity by terrorist settler militias; the illegal blockade of the Gaza Strip; continued military incursions into the Gaza Strip that destroy infrastructure and civilian homes and result in mass displacement; casualties suffered by women, families and children; and suspension of the right to health, education, work and numerous other necessities of life. The occupation forces also use excessive force. They invade and search homes and businesses. They destroy houses as part of collective punishment. They use various means to make life — or at least a decent life — difficult. They block the delivery of public services such as education and health, which has resulted in women being forced to give birth at checkpoints. They forcibly displace Palestinian Bedouin. They implement discriminatory policies and laws in East Jerusalem. They separate family members and prevent them from being reunited, using every means possible to break Palestinian families apart. We stress that the information and statistics in this report cannot do justice to the severity of the human suffering being undergone by Palestinian women and men a result of the Israeli occupation. Space constraints do not allow the report give a full picture of the effects of crimes committed by the Israeli occupation against Palestinian women. The relevant parties will continue to keep the Committee on the Elimination of All Forms of Discrimination against Women informed of those crimes.

48. On 15 January 2015, Rashida Manjoo, the United Nations Special Rapporteur on violence against women, was forced to cancel a scheduled visit to Palestine at the invitation of the State of Palestine because of obstruction by Israel, the occupying Power. The decision by the occupying forces to block her entry into Palestine was just one instance of Israel's systematic policy of preventing the State of Palestine from exercising rights and fulfilling obligations pursuant to its accession to international agreements, and depriving the Palestinian people of its rights in general, especially its right to self-determination. Prior to the most recent obstruction, other investigative commissions had been blocked from entering

Palestine to investigate violations of international law committed since June 2014. Such obstruction violates the obligations of Israel as the occupying Power, and goes against the recommendations of the Human Rights Council that occupying powers should cooperate with special rapporteurs to improve the human rights situation on the ground.

49. Palestinian women also suffer from inherited customs and traditions that assign them subordinate status and focus on their reproductive role. Palestine has also inherited legislation that is prejudicial to certain women's rights, particularly as regards penal provisions and personal status.

50. Palestinian women are also paying the price of political divisions. The Hamas movement continues to put forward a series of illegitimate laws that are not in conformity with obligations under the Convention, but are enforced in the Gaza Strip.

51. Moreover, there are two different sets of inherited legislation in in the West Bank and the Gaza Strip, and the two have not been consolidated. The lack of consistency has a negative impact on the legal status of women. That is not to mention the fact that Palestinian women in Jerusalem are subject to racist Israeli law, which deprives them, of many of their political, civil, economic, social and cultural rights for no reason other than that they are Palestinian.

52. There is also the fact that the legal status of international agreements acceded to by Palestine, including the Convention on the Elimination of All Forms of Discrimination against Women, is not defined. Nor are there any constitutional procedures specifying the hierarchy of different types of legislation or regulating the incorporation of the provisions of international agreements into national legislation.

**Progress achieved**

**Legislative amendments**

53. Not much time has elapsed between Palestine's accession to the Convention and the writing of this first report. There have been only a few amendments to existing legislation. The most important was the decree law of May 2014 abolishing mitigating factors in crimes committed against women in a fit of rage in the name of "honour". Legislative development in Palestine, and in particular the work being done on draft laws to incorporate international human rights standards, including women's rights, demonstrates our national political will to eliminate legal and de facto discrimination against women and achieve gender equality.

54. A decree law on the protection of juveniles was issued in February 2016. It was informed by a new conception of juvenile justice in Palestine that takes into account an offender's age group, motivations and privacy. It provides for procedures that are in the best interests of juveniles, as well as for rehabilitation and speedy reintegration into society. That decree law is another example of efforts by Palestine to carry out its international obligations, in this case those arising from accession to the 1989 Convention on the Rights of the Child. The decree law's provisions are consistent with international standards for juvenile justice. It is mindful of the juvenile's best interests from the preliminary investigation stage through all the other stages of investigation and trial, and continuing through enforcement of the sentence. A completely separate criminal justice system has been introduced to handle juveniles and children at risk of delinquency. It includes special police units, a prosecutor's office, a court of first instance, an appeals department, a child protection office with child protection counsellors from the Ministry of Development, and child welfare units. Priority is given to prevention, education and rehabilitation. Penalties involving deprivation of liberty are used only as a last

resort and for the shortest possible duration. Gender equality is ensured in the exercise of rights and guarantees to a fair trial.

55. The Ministry of Foreign Affairs, in partnership with the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the Independent Commission for Human Rights, distributes to both official agencies and non-governmental bodies pamphlets containing the Palestinian Declaration of Independence, the Universal Declaration of Human Rights, and the international human rights conventions to which the State of Palestine acceded in 2014, including the Convention on the Elimination of All Forms of Discrimination against Women. That helps to raise awareness of those agreements among government officials and members of society.

56. Also in partnership with OHCHR, the Ministry of Foreign Affairs has implemented a training plan for employees of government agencies, the Independent Commission and civil society, to raise awareness of the major human rights conventions, the mechanism for preparing reports, and the roles of agencies responsible for international agreements.

57. Civil society organizations are playing a major role in raising awareness of women's rights and organizing assistance campaigns on gender equality issues. Women's organizations in particular function as an oversight mechanism for official agencies. Women are able to use those organizations as a means of approaching such agencies directly to defend their rights or to as a means of contacting the relevant authorities.

**Article 3**
**General measures and policies**

58. Since the 1990s, the Government has embarked on a process of legislative reform, out of its commitment to human rights principles and its firm will to continue to promote women's rights. Those reforms have aimed not only to eliminate discriminatory legislative provisions, but also to ensure the enjoyment by women of their rights in practice in private and public life, despite the limited nature of natural and material resources at the local level and the continuing Israeli occupation, which seriously hinders any opportunities for sustainable development in occupied Palestine.

59. In terms of national planning, the Palestinian Government adopted the National Policy Agenda 2017-2022: Putting Citizens First. That agenda defines national strategic orientations; sets out the overarching vision, priorities and policies; and places the citizen at the centre of its activities. It contains sectoral and cross-sectoral strategies, and a medium-term budget for the 2017-2022 period that complement the national policy agenda as laid out in the fourth Palestinian National Development Plan. The various components of that National Development Plan are based upon international standards, including those contained in the international instruments to which the State of Palestine has committed itself, such as the United Nations 2030 Agenda for Sustainable Development, which the State of Palestine will be striving to implement during that period.

60. The national policy agenda is based upon three pillars, namely, the path to independence, reforming and improving the quality of services, and sustainable development. Specific national priorities and policies will be implemented to that end. Priority areas include strengthening gender equality, empowering women and girls, eliminating all forms of discrimination and violence against them, and eliminating all obstacles to their full participation in social and economic development and public life. In that connection, the 2017-2022 Cross-Sectoral National Gender Strategy: Promote Gender Equality and Equity, which has been

ratified by the Council of Ministers, is organized around five strategic objectives, namely, halving the incidence of all forms of violence against Palestinian women; increasing women's participation in governmental and non-governmental decision-making positions that have the greatest impact on the lives of men and women so that no fewer than 10 per cent of those positions are filled by women; integrating gender equality and equity and the empowerment of women into official institutions; promoting women's participation in the economic sector; and improving the quality of life of poor and marginalized families.

61. In 1996, the Palestinian Central Bureau of Statistics starting taking gender into account and disaggregating data by sex in its published surveys. A gender-sensitive general census on population and establishments was formulated and conducted in 2007. The Central Bureau of Statistics also began work on a national plan to monitor the 2030 Sustainable Development Goal indicators.

62. In 2009, the Council of Ministers approved the formulation of gender-responsive plans and budgets, thereby requiring all government departments to draw up gender-sensitive annual budgets. The National Committee on Gender-Responsive Budgets was established in 2012 to direct the integration of gender into public budgets and train officials to adopt a gender perspective when preparing budgets.

63. International Women's Day, celebrated on 8 March, is a Palestinian national holiday. On that day, Palestinian women organize a number of events, including peaceful marches in protest of occupation crimes against Palestinian women and the Palestinian people. No sooner had these marches been inaugurated than occupation forces began to suppress them and attack women taking part with percussion bombs, tear gas and rubber bullets.

64. The Rights of Persons with Disabilities Act (1999) and its implementing regulations provide a legislative framework that governs the fundamental rights of men and women with disabilities on an equal footing in all areas of life. That Act charges the Ministry of Social Development, as the lead regulatory body in social protection sector, with primary responsibility for integrating persons with disabilities and attending to their needs. That Ministry, in coordination with the competent agencies, is committed to providing care and rehabilitation services to persons with disabilities, particularly in the social, educational, health, professional and recreational aspects of life. It also raises public awareness, provides suitable facilities and environments, and promotes the use of sign language.

65. The Supreme Council for Persons with Disabilities was reconfigured pursuant to a presidential decree adopted in 2012. That decree provided for following up the implementation by the State of Palestine of its obligations under the treaties on persons with disabilities to which it has acceded; improving government efforts to enable persons with disabilities to lead their lives with dignity; formulating the necessary strategies and policies; and proposing relevant legislative amendments.

66. Israeli occupation crimes against Palestinians have brought about a rapid rise in the number of persons with physical, mental, psychological and sensory disabilities. Those crimes include shooting and beating civilians; mistreating and denying medical care to the injured; torture and harsh treatment in the course of arbitrary arrests; and negligent medical treatment. Successive wars in the Gaza Strip have left thousands of Palestinians — men and women alike — with a variety of disabilities and lost limbs. Their suffering has been compounded by the blockade on the Gaza Strip, the prohibition on needed medical supplies, deteriorating humanitarian conditions and restrictions on travel to receive medical treatment.

67. With regard to the elderly, the Ministry of Social Development provides protection, care and rehabilitation services to elderly women and men under its

National Strategy for the Care of the Elderly in Palestine 2010-2015, which informs the Ministry's structure, programmes and activities. It also offers social protection services (regular and emergency cash assistance, health insurance, welfare services, and rehabilitative and residential services) to some 45,000 elderly men and women. Established under the supervision of the Ministry of Social Affairs, the Grandparents' Home specializes in caring for and rehabilitating elderly persons aged 60 and older who are unable to care for themselves, lack family care and live in difficult economic conditions.

**Article 4**
**Temporary special measures**

68. In order to facilitate women's access to decision-making positions and promote their right to political participation, Decree Law No. 1 (2007) concerning a general election quota system for women, and Law No. 10 (2005) concerning local council elections and its amendments were adopted as temporary special measures. The election of Palestinian Legislative Council members is based on a party-list proportional representation system.

69. Decree Law No. 1 (2007) stipulates that every electoral list shall include at least one woman candidate in the first three names on the list, the following four names, and every five names thereafter.

70. The law concerning local councils stipulates the following:

1. For local bodies with up to 13 seats, at least two of those seats must be held by women as follows:

(a) One woman candidate must be among the top five names;

(b) One woman candidate must be among the following five names.

2. On local bodies with more than 13 seats, one seat shall be set aside for a woman candidate from the five names following the group mentioned in article 1 (b) above.

3. Local bodies with fewer than 1,000 voters according to the final table of voters are exempt from the provisions of paragraph 1 above. In such cases, there shall be freedom on electoral lists to choose the positions to be set aside for women candidates.

4. If a woman vacates a seat on a local council, that seat shall be filled by the woman directly following her in the sequence of seats set aside for other women on her list.

71. In 2010, most of the political parties signed a charter pledging to promote Palestinian women's participation in political decision-making by ensuring that women held a minimum of 30 per cent of overall positions; increasing the number of decision-making positions held by women in political parties and organizations as well as the number of women on the electoral lists of local and legislative bodies; and nominating women for inclusion on electoral lists in order to increase their chances of success. However, some parties did not commit to enforcing that minimum level of participation.

72. Official efforts to create a legal environment conducive to women's participation in political life include the drafting in 2014 of a law on local council elections. The law raises the minimum proportion of representation of women in elections from 20 to 30 per cent, in line with international resolutions and Millennium Development Goal indicators. The Central Elections Commission was requested to take the appropriate steps to that end. Article 3 of the law stipulates

that "women shall account for no fewer than 30 per cent of candidates and elected officials, and the Commission shall take measures to that end."

73. The Government is working to integrate the concept of gender into legislative and development plans and to allocate the necessary national resources, as outlined below:

- In the Palestinian Development Plan for the years 2014 to 2016, the Government allocated $9 million to finalize the legislative review process and to ensure that women's rights were taken into consideration and that discriminatory provisions were abrogated in order to ensure compliance with international agreements. Funds were also allocated to carry out capacity-building programmes on gender and studies on gender gaps; provide women with services, protect them from violence and guarantee their recourse to justice; and raise societal awareness of the need to oppose violence against women. A portion of the resources will be spent in support of the process of formulating gender-responsive policies and budgets.
- The allocation for the Ministry of Women's Affairs from the regular annual budget is being increased annually are part of a broader effort to empower women and achieve gender equality, particularly after the accession by the State of Palestine to the Convention on the Elimination of All Forms of Discrimination against Women. The Ministry's budget in 2007 totalled $1,079,254; that amount rose to $2,253,576 and $1,861,672 in 2015 and 2016, respectively.
- Budget allocations have been made for the work of gender units and ministries whose work relates to women and women's empowerment at various levels.

**Protection of motherhood**

74. Article 29 of the Basic Law provides for the highest level of legal protection of maternity as a national duty. The recognition of motherhood as a social function is a principle that underpins civil service laws and the work of women civil servants and workers, affording them specific social protection and rights, such as paid maternity leave and paid breastfeeding breaks.

75. In addition, integrating reproductive health services, prenatal care and family planning into primary healthcare centres throughout Palestine and operating under the auspices of the Ministry of Health amounts to a form of positive discrimination in favour of women.

76. Law No. 6 (1998) on correction and rehabilitation centres provides for measures to protect mothers who are inmates in those facilities. Article 27 stipulates that pregnant inmates are to receive special treatment from the onset of the first signs of pregnancy until sixty days after childbirth in terms of meal and sleep times and work. Medical care and attention shall be provided as recommended by a doctor, and the necessary measures shall be taken to ensure that the pregnant inmate is able to give birth in hospital. The law also protects the privacy of the woman inmate and her child. Article 28 stipulates that if the inmate gives birth to her child in the facility, that fact shall not be noted in official records or on the birth certificate. Rather, the hospital shall be considered the place of birth, the child shall remain in the mother's care until the age of two, and the director shall offer the nursing mother a place separate from the other inmates.

**Article 5**
**Stereotypical roles of women**

77. The prevailing social and cultural patterns in Palestine are among the main obstacles preventing women from exercising their rights on an equal basis with

men. As in all patriarchal cultures, those patterns play a crucial role in the consolidation of prejudices and practices that promote women's inferior, secondary standing and restrict their role to the private, family sphere. More often than not, mothers are responsible for caring for the family and raising children, and their role remains intangible and unremunerated.

**Stereotypical roles of women in the public and private spheres**

78.

- *In the home*: Palestinian descriptive studies show that the roles that women are traditionally expected to perform usually involve obedience, care, running the household and getting things done, whereas men are typically associated with headship of the household and decision-making. These values tend to carry over into the areas of parenting and family education, where they are transmitted and taught to children from an early age within the family, with girls taking on roles resembling those of their mothers, especially with regard to educating and caring for their siblings and taking on household chores. In contrast, boys are prepared from an early age to bear the burden of securing the family livelihood and taking financial and life decisions.

- *At school*: Despite the recent development of Palestinian educational curricula and the relative evolution of perspectives on women, women rarely emerge as leaders or decision-makers and are seldom entrusted with managerial or business matters.

- *At work*: Duties that require leadership skills or physical effort are typically assigned to men, while those that are considered women's work first and foremost, such as caretaking, social communication, childrearing, education, health, media, tourism and management are typically assigned to women.

- *In the media*: Local media devote space to discussion of women's affairs, but most discussion focuses on such aspects of the traditional role of women as cooking, health, the family, children and fashion. Most media attention is granted to specific categories of women, namely, women who work in elite and professional positions, instead of on the most vulnerable women, such as rural women, women in refugee camps and women in Bedouin villages. Although there has been a significant increase in women's involvement in the media sector, particularly in visual media, that quantitative increase has more to do with media-related variables and requirements than with a fundamental change in the status of women. In terms of content, women essentially continue to be used as advertising material or seen as consumers.

**Challenges**

79. Most discriminatory practices that target women as women are so entrenched in social traditions and customs that they are invisible. The fact that such practices appear instinctive and natural complicates the process of exposing and identifying them as discriminatory and working to alter and eliminate them. Counter-efforts to reinforce stereotypical, traditional roles and entrench a culture of women's subordination take various forms. They include calls to hold on to certain interpretations of religious teachings and reject demands to eliminate discrimination against women as Western cultural imports that violate customs and traditions. Moreover, attempts are made to downplay the importance of and postpone achieving justice for women, dismissing it as not an immediate priority given the need to join forces to end the Israeli occupation and gain independence of the State of Palestine.

**Violence against women**

80. Palestinian women are doubly vulnerable to violence amidst the ongoing Israeli occupation, which threatens their security from a humanitarian standpoint and adds an additional layer of restrictions on the exercise of their fundamental rights. The results of a 2011 survey on violence in Palestinian society showed that roughly half of Palestinian families were directly exposed to violence perpetrated by occupation forces and terrorist settler militias during the period leading up to July 2011. The highest incidence of such violence was found in the Gaza Strip, where 49.1 per cent of families were victims of violence, compared to 47.8 per cent of West Bank families.

81. The occupation contributes to the rise in violence against women and helps to consolidate the concept of patriarchal control over women. It also has an impact on the frequency of domestic violence, in particular, family violence. The forms of family violence perpetrated against women in Palestinian society include physical abuse committed by their husbands, their husbands' families or their families; death threats; rape committed by a member of a woman's family or that of her husband; forced flight from the family as a result of physical, sexual or verbal violence or neglect; and distribution of social roles within the family in a preferential manner that favours men.

82. The statistical survey cited above indicates that 37 per cent of women who had been married previously had had some form of violence inflicted on them by their husbands; 29.9 per cent in the West Bank and 51 per cent in the Gaza Strip. Of those women, the percentage subjected to psychological violence "on at least one occasion" was 57.6 per cent, while 55.1 per cent had been targets of economic violence, 54.8 per cent had been subjected to social violence, 23.5 per cent had been targets of physical violence, and 11.8 per cent had been subjected to sexual violence. Meanwhile, the percentage of women committing violent acts against their husbands rose to 17.3 per cent in the West Bank and the Gaza Strip; 35.1 per cent of those husbands were exposed to psychological violence, 20.3 per cent to physical violence, 4.5 per cent to social violence and 4.9 per cent to economic violence at the hands of their wives.

83. The survey indicated that 16.1 per cent of unmarried women between the ages of 18 and 64 had been exposed to violence perpetrated by family members: 12.4 per cent in the West Bank and 21.8 in the Gaza Strip.

84. According to 2014 statistics, 25 Palestinian women were murdered. In some cases, the perpetrators used the pretext that they were driven to murder by an offence against honour, while the reasons surrounding other murders were unclear and recorded as unknown. Of those women, 14 were from the West Bank and 11 were from the Gaza Strip. Without a doubt, the so-called honour killings of women continue as a result of the almost total immunity granted to offenders by the law, the judiciary and the fact that offenders receive the lightest punishments. The penalty imposed on perpetrators of honour killings rarely exceeds a three-year prison term and has sometimes been reduced to a term of a year or six months. Studies have shown that in most cases, the real reason for these crimes is not the woman's behaviour, which the offender cites as a pretext, but rather family disputes, the husband's violence, theft or suicide motivated by molestation by one of her relatives. It is possible that the main women are murdered has to do with their shares of an inheritance.

85. In April 2014, the Council of Ministers adopted a decision on temporarily placing children, girls and boys, in two-spouse foster families, if those children were found to be in danger of falling prey to violence or exploitation in their

families of origin. The Ministry of Social Development investigates the family that requests to care for the child in order to confirm that it complies with the requirements in place to meet the child's needs. The Ministry may place the child in a woman's care if she meets those requirements. The Ministry is supposed to visit on a regular basis to monitor how the child is faring in the foster family, and to move him or her to a different foster family if need be.

86. In 2008, family protection units were established within the Civil Police to address cases of family violence and sex crimes committed within or outside the family. In 2014, the Family Protection Unit in the West Bank dealt with 3,480 cases and took the necessary legal measures to provide protection to victims of violence and refer them to the competent courts.

87. In the Gaza Strip, in the continued absence of family protection units, the police field complaints submitted by women victims of violence and help to resolve some minor conflicts, with the assistance of reconciliation committees. In 2014, police in the Gaza Strip received some 50 complaints from women monthly. The number of complaints rose after the most recent hostilities in the Gaza Strip. Some 80 per cent of them were attributed to family and spousal disputes. The police resolved approximately 60 per cent of those cases. In 2014 only about 5 per cent of complaints were forwarded to the prosecutor's office. As has been explained above, cases of violence against women tend to be dealt with in a manner informed by customary and societal perceptions of violence against women as an intra-familial dispute, rather than a crime for which perpetrators must be held accountable and punished. Furthermore, there is no referral system for women victims of violence to various sectors as is the case in the West Bank.

88. The Public Prosecutor's Office is responsible for initiating and investigating cases, instituting criminal proceedings, prosecuting them before the courts and monitoring enforcement of sentences. The work of the Public Prosecutor's Office to strengthen protection for women victims of violence has been in evidence since 2012, when the gender unit in the Attorney General's office. That unit's strategies include the following:

89. Specialized services for women victims of violence are being developed, with a view to strengthening their protection and ensuring that offenders are held accountable. In 2014, 15 deputy prosecutors were appointed. Their areas of competence are investigating and bringing to court cases of family violence and violence against women and children. Gender was integrated into the work of the Public Prosecutor, including the adoption of annual plans of action to that end. In addition, steps were taken to ensure that the facilities in the Public Prosecutor's office complied with specific standards in order to meet the needs of women visiting the office, especially when they have their children with them, thereby preserving their dignity and promoting the principle of confidential handling of their cases. Efforts are underway to develop a database on cases of violence against women and children brought before the Public Prosecutor, with care taken to preserve confidentiality.

90. The Ministry of Women's Affairs adopted a Strategic Plan for Combating Violence against Women: 2011-2019. That plan aims to strengthen mechanisms in place to protect and empower women victims of occupation-related violations; to bolster the legal and institutional framework for the protection of women from violence; to develop administrative procedures and codes of conduct that define roles and how various actors are to deal with women victims of violence; to improve social protection and medical services provided to women victims of violence; to rehabilitate survivors of violence and reintegrate them into society; and to improve the protection, defence, judicial and legal system in that regard. The

National Committee to Combat Violence against Women was established to carry out and follow up on the plan, and a technical committee was set up to review serious cases of femicide and protect women from violence. The Committee on Legislation for Gender Equity is competent to review existing legislation relating to violence against women and submit recommendations for amending it and adopting new legislation. The Ministry of Social Development has also mandated that women victims of violence should be admitted to its relief and development programmes as exceptional, urgent cases.

91. The Ministry of Social Development also meets with women victims of violence, provides them with social, legal and psychological counselling services free of charge and refers them to centres that provide protection and shelter to women victims of violence, either under Ministry supervision or not, if need be. These centres, in turn, provide the women with the necessary overnight accommodation, shelter, protection, rehabilitation and counselling.

92. In the West Bank, there are four protection centres providing such services, spread out geographically so that they are accessible to women from all governorates. The centres are as follows: the Mehwar Centre, the Girls' Welfare Home, the Safe House and the Women's Emergency Protection Home. There are two such centres in the Gaza Strip, the Safe House for women's care and the Hayat Centre for the protection of women. Only one of them provides shelter, which makes it impossible to handle every case in which a woman might request protection.

93. The Ministry of Social Development is incorporating the issues facing women victims of violence into relief and development programmes as exceptional, urgent matters. The Ministry runs programmes in conjunction with non-governmental organizations to foster a culture of opposition to violence against women and works to integrate programmes, activities and services for women victims of violence.

94. Non-governmental organizations are also making every effort to spread cultural awareness of and provide training on the need to oppose violence against women. They have published and distributed a host of pamphlets, publications and reports on the subject and organized campaigns in favour of women's rights and against violence. Those organizations also provide women victims of violence with psychological support, legal and social guidance and rehabilitation, in addition to placing a media spotlight on the issue and its impact on Palestinian society.

**Progress achieved**

95. In February 2016, a special prosecutor's office was established to protect families from violence and to strengthen the role of the Public Prosecutor's Office in protecting women victims of violence and acting as a deterrent. That office is headed by a woman chief prosecutor, and 15 deputy prosecutors have been appointed to prosecute family violence in the country's northern governorates. The office is competent to investigate, prosecute, plead, appeal and follow up on the execution of sentences for offences committed within the family by any of its members, including offences committed against women, children, the elderly and persons with disabilities; offences committed against women and children outside the family; sexual offences committed by women; and threats made against women using telecommunications technologies and electronic means of communication. Representatives of this prosecutor's office conduct regular visits to rehabilitation centres to monitor the conditions in which women detainees are kept.

In early 2015, work resumed on a 2015 draft decree law concerning protection of the family from violence. Its provisions are being reviewed with reference to international women's rights principles, particularly those relating to the protection

of women from violence. The draft defines violence against the family as any act that inflicts material or psychological harm, including sexual or economic abuse or exploitation; forced labour; preventing a person from or forcing a person to work; exerting control over a person's earnings, possessions or inheritance rights; or threatening to commit such acts, whether the act or threat to commit the act occurred within or outside the family. The family is understood to include individual family members with blood or marriage ties to the fourth degree of consanguinity, or the equivalent thereto, and every person related by ties arising from marriage. The draft identifies a number mechanisms to guarantee victims of violence, particularly women, access to effective means of recourse to justice, prevention, protection, rehabilitation, punishment of offenders and prevention of impunity. Those mechanisms include the following:

- Special police units, prosecutor's offices and a court have been set up to address family violence cases.
- All forms of family violence set out in the definition have been criminalized and the penalties prescribed are specified and tightened.
- Victims of family violence are exempted from all legal fees and the costs of medical examinations.
- Any person has standing to file a complaint concerning such offences against any person whatsoever, regardless of his or her relationship with the victim or the family.
- Waiver of personal right is discounted in many cases.
- The protection counsellors from the Ministry of Social Development, the police family protection unit, the family violence prosecutor and the competent court have all been granted the authority to issue protection and restraining orders, either on their own initiative or at the request of the victim.

96. The National Referral System for Women Victims of Violence ("Takamul") is an effective integrated multisectoral support network for women and girl victims of gender-based violence. It can refer them to other relevant institutions and provide them with protection, care and rehabilitation. The system operates on the basis of three protocols. The first protocol relates to addressing the needs of women victims of violence in the health sector, and defines the obligations of medical service providers. The second protocol relates to addressing the needs of women victims of violence in the social sector. It outlines the obligations of social service providers to women victims of violence who request assistance in to regain control of their lives. Those obligations include the provision of protection, care and social, psychological and legal rehabilitation, as well as services aimed at promoting personal and economic empowerment. The third protocol relates to addressing the needs of women victims of violence in the police sector. It sets out the responsibilities of family protection unit staff within the Palestinian police in providing protection services to women victims of violence. It also outlines intervention and referral procedures and mechanisms for making women victims aware of the legal measures available to them to protect themselves and safeguard their right to take the appropriate decision for themselves. The system also includes a form for documenting cases of violence and a guide to institutions that provide services to women victims of violence. The Ministry of Women's Affairs is developing a system of procedures for all entities involved in the referral system.

97. A number of training sessions for service providers were organized, with the aim of situating the National Referral System for Women Victims of Violence within the framework of the various services provided by health, police and social institutions. Service providers were also instructed on how to make use of the

system's mechanisms when performing their duties. Several training sessions were also held to familiarize judges, legislators, staff of the Public Prosecutor's office and Palestinian civilian police officers with the Referral System's procedures and improve follow-up mechanisms to promote women's rights and combat violence against women.

98. As of January 2017, women victims of violence have been exempted from fees in all Government-run hospitals pursuant to a decision adopted by the Ministry of Health and in line with the Palestinian Government's overall policy of supporting and empowering women. In addition, the Ministry of Health has adopted a number of measures to expedite all procedures involving women and follow up on health, psychological and legal issues related to women's health and safety.

### Article 6
### Combating trafficking and exploitation of women

99. Under penal legislation in force, prostitution is an illegal act. Inciting, coercing, practicing or abetting prostitution, or living off the proceeds thereof, is penalized in legal codes under the heading of incitement to debauchery and putting public morals and decency at risk. Those provisions penalize anyone who induces or attempts to induce a woman under the age of 20 to engage in prostitution in Palestine or abroad, or any person under the age of 15 to engage in sodomy, with imprisonment for 1 month to 3 years. The penalty of imprisonment for 2 years is imposed on any person, male or female, who knowingly lives off the earnings of any woman engaging in prostitution.

100. That legislation prohibits the opening of brothels. Preparing, renting or acquiring any location to be used for prostitution, or contributing to the use of such location for the purposes of prostitution on a regular basis, is punishable by imprisonment of up to six months. Those laws also penalize trafficking in women. Forcing a women to stay against her will in any location in order to engage in prostitution, or in a brothel, is punishable by up to two years in prison. Using threats, terror, deception or drugs to induce or attempt to induce a female to engage in illicit sexual intercourse in Palestine or abroad is punishable by up to 3 years in prison.

101. Palestine has no laws on child prostitution. However, sexually assaulting a child is severely punished. Legislation in force penalizes anyone who marries or conducts a marriage ceremony for a girl under 15 years of age, or abets the conduct of such a marriage ceremony, with imprisonment of up to 2 years.

102. Palestine's commitment to strengthening and protecting human rights in general, and the rights of women in particular, is reflected by the increased penalties for the above-mentioned crimes against women proposed in the draft penal code. The draft devotes a full chapter to crimes against human dignity, which include the crime of human trafficking, especially the trafficking of women, which is punishable by a sentence of up to life imprisonment depending on the circumstances and a fine of up to $60,000 or the equivalent of the proceeds, whichever is higher. The penalty is even more severe in the following cases: if the perpetrator established an organized criminal group; if threats or physical harm were used to commit the act; if the perpetrator was related to or in a power relationship with the victim; if the perpetrator was a public official; if the crime resulted in the victim's death, disability or disease; or if the victim was impaired or disabled.

103. Decree Law No. 9 (2007) on combating money-laundering provides that funds obtained from the sexual exploitation of women and children are illicit and covered under the offence of money-laundering. The perpetrator is punished by up to 15 years imprisonment and must pay large fines.

**Difficulties**

104. Detailed studies or statistics on trafficking in women in Palestine are lacking. The topic is a sensitive one in the Palestinian social context. However, research suggests that human trafficking is rare and not organized. In addition, the illegitimate hegemony of Israel, the occupying power, over the territory and borders of Palestine, and the various ways that Israel undermines Palestinian geographical integrity, make national efforts to combat trafficking in women weak to the point of ineffectiveness. The occupying forces prevent the relevant Palestinian parties from moving between the West Bank, including East Jerusalem, and the Gaza Strip in order to carry out their functions and reach women victims. There is also insufficient oversight by the occupation authorities of working conditions at facilities and workplaces that hire Palestinian workers — men and women — inside the Green Line and in the illegal settlements.

**Progress achieved**

105. In 2014, Palestine acceded to a number of relevant international conventions, including the Convention on the Rights of the Child and the United Nations Convention against Transnational Organized Crime. Palestine is also a State party to the 1904 International Agreement for the Suppression of the White Slave Traffic and the 1921 International Convention for the Suppression of the Traffic in Women and Children.

106. The Minister of Labour issued a decision on domestic workers which regulates the nature, hours, tasks and employer obligations for domestic work. In particular, it requires that domestic workers should be treated with respect and granted decent working conditions and the right to privacy. Employers of domestic workers are obligated to pay cash salaries equivalent to the applicable minimum wage. The Ministry of Labour is responsible for overseeing domestic labour contracts, and has the authority to take the necessary measures and impose penalties on employers in violation.

107. The Palestinian Government's National Referral System for Women Victims of Violence ("Takamul"), which has been described above, provides protection for victims of human trafficking. The Ministry of Social Development, while not directly involved in assisting victims of trafficking and prostitution per se, provides services, counselling and cost-free shelters for women victims of violence and others. The proposed draft penal code does assign the Ministry of Social Development a specific role in caring for victims of human trafficking, with the necessary allocations to be earmarked in that Ministry's budget.

108. The sharia justice system has taken a number of measures to prevent women from being exploited for prostitution. Those measures include Circular No. 40/2004 which was issued to protect women from falling victim to sexual exploitation after marrying men residing abroad. In such cases, judges and marriage officiants must verify that the bride has given her consent without coercion and is over the age of 18. The groom must obtain a certificate of good conduct from the region where he resides, and the location where the couple will live after the wedding must be verified. The man must also certify that he has undergone the necessary medical exams prior to marriage and is free of communicable diseases, especially HIV/AIDS. Conclusion of a wedding contract without complying with these rules is subject to large fines.

## Part 2

### Articles 7 and 8
### Equal participation in public life

109. In 2014, Palestine acceded without reservations to the 1954 Convention on the Political Rights of Women. The preamble and articles 9 and 26 of the Amended Basic Law provide for full equality among all Palestinians in rights and obligations, including full political rights and the right to hold public office. Article 26 states that Palestinians have the right to participate in political life both as individuals and in groups; to form and join political parties; to form unions, associations, federations and popular organizations; to vote and run in elections for representatives elected through universal suffrage; to hold public office on the basis of equal opportunity; to hold private meeting without the police present; and to hold public meetings and gatherings within the confines of the law. The Rights of Persons with Disabilities Act provides for the right of such persons to form associations, organizations and federations to advocate for their needs.

110. Decree Law No. 1 (2007) on public elections provides for the right of women to stand for election on an equal footing with men without discrimination. The same provisions appear in Law No. 10 (2005) on local council elections. Those laws also guarantee the right of women to run for president, for the Palestinian Legislative Council and for local councils under the same conditions that apply to men. The laws have adopted a female quota as a temporary proactive measure — as called for in article 4 of the Convention — to ensure women's access to national and local decision-making positions.

111. The decree law on general elections also grants foreigners married to Palestinian women or men (with the exception of those bearing Israeli nationality) the right to vote in elections even if they do not have Palestinian identity papers at the time that they register to vote or cast their ballot.

112. Some 8 per cent of the members of the Palestinian National Council, that is, 56 out of 744 members, are women. That Council is the supreme body of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, and functions as the Parliament of the State of Palestine. Some 10 out of 124 members of the Palestinian Central Council are women. The Central Council is the link between the Palestinian National Council and the Executive Committee of the Palestine Liberation Organization. There is 1 woman out of 18 members of the Executive Committee, which is the highest executive authority of the Palestine Liberation Organization. She is the first woman to be elected to the Executive Committee since the founding of the Palestine Liberation Organization.

113. Palestinian women took part in the first Palestinian legislative and presidential elections in 1996. Although 49 per cent of registered voters were women, they were only 32 percent of actual voters, while 58 per cent were men. Those elections were conducted on the basis of a majority system, which naturally hindered the chances for women to be nominated and win seats in the Legislative Council. Only 28 women were nominated for the Legislative Council, as opposed to 676 men. Only 5 women won, as opposed to 83 men. There was one woman presidential nominee in those elections.

114. As the second legislative election approached in 2006, the Palestinian legislature was mindful of the gender gap in the first election. The 2005 election law established a mixed electoral system that combined the majority system with proportional representation. A female quota was also adopted. That law was subsequently replaced by Decree Law No. 1 (2007) concerning elections, which

retained the female quota. The effects of the legislative changes were felt in most recent Legislative Council elections, in which women won 17 out of 132 seats. While women were still underrepresented, those numbers are cause for optimism about a change for the better in women's electoral prospects in general.

115. Data on local councils indicate that there were more female candidates in the 2012 elections than the elections conducted in 2004 and 2005. That is attributable to the proportional representation and quota system adopted by the 2005 local council elections law. Some 738 women won seats on local councils out of a total of 3505. Moreover, the proportion of women who voted was greater than in the previous election, as can be seen from the following table:

Table 1
**Women's participation in local council elections for the years 2004 -2005 and 2012-2013**[1]

| | *2004-2005* | *2012-2013* |
|---|---|---|
| Percentage of women candidates | 19.2 | 24.8 |
| Percentage of women on voting rolls | 48.7 | 47.8 |
| Percentage of women council members | 13.7 | 21 |
| Percentage of ballots | 47.8 | 42 |

116. For political parties, the number of women declines the higher we go in the party hierarchy. We rarely find women in the highest leadership circles, especially of the biggest parties on the Palestinian political scene. Their role within parties is generally limited to stereotypical community and humanitarian activities. The parties have no policies or mechanisms to promote women's participation. Law No. 15 (1955) concerning the right of citizens to form political parties, which is in force in the West Bank, has no provisions excluding or restricting women, or differentiating between them and men with respect to exercising such rights or taking part in party activities.

117. According to the latest statistics published in 2011, the levels of women's participation in Palestinian political parties were as follows:

- *The Palestine Liberation Movement*: Women accounted for 5 per cent of the membership of the Central Committee (a single member) and 9.2 per cent of the membership of Revolutionary Council.
- *The Popular Front for the Liberation of Palestine*: Women accounted for 20 per cent of the membership of leadership bodies and 15 per cent of overall party membership.
- *The Democratic Front for the Liberation of Palestine*: Women accounted for 20 per cent of the membership of leadership bodies and 25 per cent of overall party membership.
- *The Democratic Palestinian Union*: The Secretariat had one woman member, and women accounted for about 39 per cent of the membership of leadership bodies.
- *The Palestinian People's Party*: Women accounted for about 25-30 per cent of the membership of leadership bodies, and the same percentage of overall party membership.

[1] 2012-2013 election results are only for local council elections in the West Bank; no local elections were conducted in the Gaza Strip owing to the political schism.

- *The Popular Struggle Front*: Women accounted for 20 per cent of the membership of both leadership bodies and the party base.
- *The Palestinian Arab Front*: Women accounted for 20-25 per cent of the membership leadership bodies and about 50 per cent of the base.

Information on the female membership of Hamas and Islamic Jihad or the representation of women in the highest leadership levels of those two parties was not available.

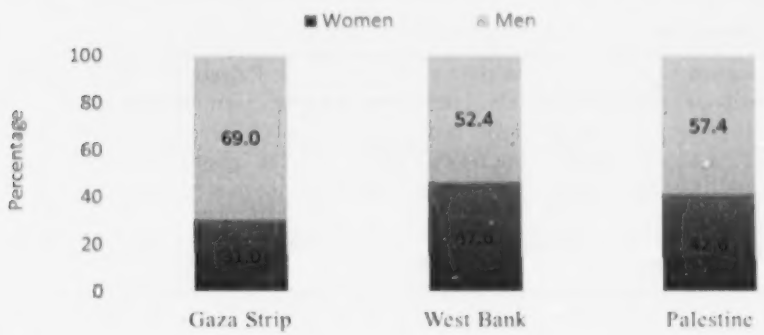
118. In March 2015, the Palestine Liberation Organization Central Council issued a decision mandating full equality for women and an increase in their representation in that Organization and all other institutions of the State of Palestine to at least 30 per cent.

119. Women's participation in trade unions, trade councils, subcommittees and specialized committees remains low, with the exception of organizations — such as doctors' and lawyers' associations — that require membership and payment of annual dues as a condition for practicing the profession. Statistics from the Palestinian General Federation of Trade Unions for 2013 indicate that the percentage of women in labour unions was no more than 8.5 per cent. The Palestinian General Federation of Trade Unions has set up a women's division within its organizational structure to promote and expand women's participation in the union movement.

120. One of the most important reasons for the low percentage of women in unions, especially in leadership posts, is that the unions are politicized, with parties controlling their operation and structure. The political rivalries within unions are a microcosm of the legislative elections, with the same dynamics that prevent women from enjoying the same opportunities as men.

121. Recent years have seen an increase in the number of women in public posts at government ministries and agencies. In 2010, 37 per cent of public sector employees were women while 63 per cent were men, whereas in 2015, 42.6 per cent were women while 57.4 per cent were men. As of 2014, women occupied 46 per cent of public posts designated for persons with disabilities, while men occupied 54 per cent.

**Women and men working in the public sector by region, 2015**




122. There are four women ministers — at the Ministry of the National Economy, the Ministry of Women's Affairs, the Ministry of Tourism and Antiquities and the Environment Quality Authority. That is out of the 24 ministers make up the 2014

Government of National Accord after recent adjustments. The head of the Palestinian Central Bureau of Statistics, who has the rank of minister, is also a woman.

123. Even though legislation does not discriminate between men and women with respect to public posts, the proportion of women holding such posts tends to down as one goes higher in the administrative hierarchy. That is especially the case for the highest posts. In 2015, only 11.7 per cent of public sector employees at the director-general (A4) grade and up were women, while 88.3 per cent were men.

124. The judiciary has seen relative progress in the number of women judges in both sharia and government courts, and of women notaries. The percentage of women judges was 11.7 per cent in 2008, but that had risen to 16.7 per cent as of 2014. There are more women judges in the magistrate courts and the courts of first instance than in the higher courts. There is one woman judge on the Supreme Court in the West Bank, and two on the Supreme Court in the Gaza Strip. Despite an increase in the percentage of women in the judiciary, the system overall has been remiss about encouraging women and giving them opportunities to occupy decision-making posts.

125. Legislation in force contains no discriminatory provisions with respect to a woman's right to serve as a sharia judge, and there are three women judges in the Palestinian sharia courts. The year 2015 also saw the appointment of the first two women marriage officiants in Palestine. They have all the same authorities to conclude marriages contracts as male marriage officiants.

126. The Office of the Public Prosecutor has seen an increase in the proportion of women employees relative to other sectors. That is especially the case in the West bank, where, in 2013, about 16.4 per cent of prosecutors were women, while 83.6 per cent were men. In 2008, those percentages were 5 per cent women and 95 per cent men.

127. In 2014, there were 306 female Palestinian police officers and 7660 male police officers, or about 4 per cent. Although that was an increase from 2011, when there were only 256 female police officers, the number still falls short of hoped-for levels.

128. Some 20.9 per cent of practicing lawyers are women. However, the gap with respect to female lawyers between the West Bank and the Gaza Strip has increased. As of 2014, some 24.5 percent of lawyers in the West Bank were women, but only 18.2 per cent of lawyers in the Gaza Strip were women.

129. Palestinian women have the right to represent the Palestinian Government at the international level and to be involved in the work of international organizations on an equal footing with men, on the basis of the equality granted to women in the Palestinian Basic Law. There were 66 Palestinian women among the 366 members of the negotiating team at the 1996 Madrid Conference.

130. There has recently been a notable increase in the number of women entering the diplomatic and consular corps, and international work in general. As of 2013, some 28 per cent of the staff of the Ministry of Foreign Affairs were women. Some 4 per cent of diplomats were women. There were 44 women working in embassies and missions of the State of Palestine. There were two female ambassadors at the headquarters of the Ministry of Foreign Affairs in Palestine, and four female ambassadors stationed abroad. The Ministry of Foreign Affairs organizes training programmes on diplomatic work that target women as well as men. It encourages women to join the diplomatic corps and become involved in international organizations.

131. Women account for 42 per cent of employees in the civil sector, which is close to double their share of the labour market overall. That is probably owing to the nature of work in that sector, which is largely involved in addressing the needs of society. Statistics for the year 2011 show that women accounted for 26.8 per cent of student council members at Palestinian universities.

132. In the wake of the adoption of Security Council resolution 1325 (2000) on women, peace and security, Presidential Decree No. 24 (2005) committed the Government to supporting full and equal participation by Palestinian women in all efforts to maintain and enhance peace and security, and to increase their participation in United Nations good offices efforts and negotiations towards a genuine, just and lasting peace that resolves the issues stemming from the Israeli occupation. In 2012, the Cabinet approved the formation of a Higher National Committee for the Implementation of Security Council Resolution 1325 (2000). That Committee is trying to draw up mechanisms for implementing that resolution, which contributes to the protection of women in armed conflict and areas under occupation and directly affects Palestinian women and girls under Israeli occupation. That Committee's membership includes the Ministry of Women's Affairs (as chair), the other relevant ministries and government agencies, and civil society organizations.

133. In 2014, the Committee approved a strategic national framework for resolution 1325 (2000) that aims to provide security and protection for Palestinian women and girls against the crimes of the Israeli occupation. In August 2016, the Committee approved the National Action Plan for the Implementation of Security Council Resolution 1325 (2000), which set forth a strategic national framework for achieving three strategic objectives during the initial 2017-2019 period. The objectives were as follows: increase protection for Palestinian women and girls in the face of violations by the Israeli occupation; hold the Israeli occupation accountable, end the impunity it enjoys, and force it to make reparations through international and national mechanisms for the harm it has inflicted on Palestinian women and girls; and increase the representation of Palestinian women in decision-making processes at the local and international levels.

**Challenges**

134. Despite legislation adopting a number of proactive temporary measures to accelerate de facto gender equality and guarantee that women are represented in public life, women's participation falls short of minimum international standards. That is especially the case for trade unions and federations. The primary obstacle to women enjoying their rights, and in particular their political rights, is a heritage of customs and traditions based on a patriarchal mindset. Other obstacles include the following:

- Inconsistencies in electoral politics in Palestine at the local, union, party and federal levels;
- Low levels of community awareness about women's roles, especially in political life;
- Failure to use competence and professionalism as criteria in accepting and choosing candidates in political campaigns, especially in elections;
- The inability of most women to bear the expense of running for election, and lack of interest in women candidates on the part of financiers;
- Failure to give women confidence and their right to advancement, and lack of solidarity among women themselves.

135. Various government agencies and non-governmental organizations, especially women's organizations, have taken measures to address these obstacles. Those measures include training courses and workshops targeting women of all classes, and the distribution of pamphlets to increase the awareness of the community and in particular of women about their rights, status and potential to play an important role in political life.

**Palestinian women prisoners held in Israeli occupation prisons, and the families of detainees**

136. Palestinian women prisoners are an important part of the liberation movement and the national struggle for an end to the Israeli occupation and Palestinian independence, and the right of the Palestinian people to self-determination. Since 1967, Israel, the occupying Power, has arrested about a million Palestinians, or around 22 per cent of the population. The occupation makes use of legislation, military orders and arbitrary measures that openly violate international principles, especially those prohibiting arbitrary detention. About 10,000 of those prisoners have been women, and 68 of them remain imprisoned to date, that is to say, as of May 2016. Those women are being held illegally in occupation prisons that, with one exception, are located outside of the Occupied Palestinian Territory, and which do not meet the minimum standards for gender equality, not to mention basic humanity.

137. The Israeli occupation forces are intent on infringing on Palestinian political life in every way possible, and illegally suppressing citizens and their political leaders. Those forces have arrested 16 members of the Palestinian Legislative Council, including one woman, Khalidah Jarrar, who was sentenced by an Israeli court in December 2015 to 15 months, suspended for a five year period, and the equivalent of a $2800 fine.

138. Palestinian women can be arrested at any time and place. Usually, they are bound with plastic handcuffs and blindfolds. That applies during interrogations, at police stations and prisons, and when being transported in buses. Throughout the process, they are subjected to all manner of torture and inhuman and degrading treatment by the occupying forces. That includes both physical and psychological violence. They are beaten, kicked, slapped in the face, verbally threatened and mentally abused. There are also flagrant sexual assaults against women, in the form of threats or rape directed against them or a female family member. Women are also subjected throughout their incarceration to illegal strip searches conducted by soldiers or members of the occupation prison authority, often as a form of punishment. Such searches involve women being stripped of most of their clothes, and in some cases of their underclothes as well, which is severely traumatic for the female prisoners.

139. During imprisonment, and especially during the interrogation stage, various means are used to weaken Palestinian female prisoners and apply psychological pressure. They are threatened with death or the arrest of their families, husbands and parents. They are deprived of sleep and not allowed to see a lawyer for up to a month. They are deprived of their right to communicate with their families, even just to inform them that they have been arrested or are being moved from one interrogation centre or prison to another.

140. Female Palestinian prisoners are not allowed to visit with their families in occupation prisons, or even call them to comfort them or be comforted by them. That direct violation of the rights of female prisoners and their families amounts to collective punishment. The Israeli authorities arbitrarily control family visits through a racist system that requires special permits and security procedures to enter

Israel, which is where the prisons are located. That allows them to prevent hundreds of families from visiting, either on security pretexts or no pretext at all. The occupation authorities often cancel family visits or arbitrarily cut them short. Many female prisoners are barred from visiting with their families at all.

141. The Israeli prison authorities also deny the right of female Palestinian prisoners to education, reading, and recreational or mental activities. Although Palestinian prisoners gained the right to sit for high school exams in 2014 — after having been denied it for five years — Israeli forces are still not allowing university correspondence courses for the fifth straight year. They have also increased limitations on bringing in books and newspapers.

142. Like any other Palestinians, Palestinian women are subject to arbitrary administrative detention by the Israeli occupation forces. Some Palestinian women prisoners are currently being held in occupation prisons under arbitrary administrative detention orders. That is to say, they were arrested without any charges or trial, on the basis of secret files and secret evidence that neither the prisoner nor her attorney is allowed to see. Illegal Israeli military orders allow administrative arrests to be extended and renewed an unlimited number of times.

143. Even where the arbitrary arrest policies and other practices are not inflicted on Palestinian women directly, women are affected. Around one fifth of Palestinians living in occupied Palestine have been arrested at some point in their lives. That means around 40 per cent of all males. In most cases, that leaves Palestinian women to bear the burden of supporting and raising children after their fathers or brothers have been arrested. That is not to mention the psychological suffering that comes with the arrest of a family member. As the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 stated in his 2013 report: "Israel's detention regime, in particular, seems designed to disrupt Palestinian society, producing an atmosphere of arbitrariness, instability and powerlessness".

144. According to a 2011 study prepared by the Treatment and Rehabilitation Center for Victims of Torture, some 70 per cent of the families of Palestinian detainees and prisoners lost their source of income because the person detained was the family's sole breadwinner. Some 50 per cent of those families of prisoners suffer from extremely difficult economic conditions. Some 88.8 per cent became dependent on the monthly stipends allocated by the Palestinian Government to the families of prisoners, which are paid from the moment of incarceration.

145. In an attempt to alleviate the impact of the crimes of the occupation and restore dignity to the prisoners, the State of Palestine enacted the Prisoners and Ex-prisoners Act (No. 19, 2004), as amended. That law provides for all the legal needs of male and female prisoners during their incarceration. It provides for a full or partial waiver of fees for primary school, university education, health insurance and rehabilitation programmes for male and female prisoners, their spouses and their children. The State also tries to secure jobs for released prisoners — male and female — and give them priority in annual hiring in State institutions. The disbursal system for stipends, bonuses and compensation for prisoners in occupation prisons treats male and female prisoners equally.

### Article 9
### Equal citizenship

146. The ability to exercise rights deriving from Palestinian citizenship is contingent on ending the occupation. Article 7 of the Amended Basic Law stipulates that Palestinian nationality is to be regulated by law. As long as that Basic Law remains provisional — as explained in the common core document — Palestinian

citizenship continues to be governed by a patchwork of legislation that includes the following: the Personal Status Act (1999); military orders issued by the occupation authorities; certain provisions of Palestinian citizenship decrees issued in 1925 under the British Mandate; the Jordanian Citizenship Act (1954), as amended; certain circulars recently issued by the Palestinian Ministry of the Interior (which concern Palestinian women living in the occupied West Bank and Gaza Strip or who have the right to reside there); and racist Israeli laws on women residing in East Jerusalem.

**Palestinian women living in the occupied State of Palestine, excluding East Jerusalem**

147. Under the aforementioned laws, such women enjoy the same rights as men to acquire, retain or change right of residence regardless of their marital status. Ministry of the Interior Circular No. 42 (2010), which takes precedence over any legislation to the contrary, affirms those rights. Females born in occupied Palestine have the right of residence if one or both of her parents are Palestinians, as do males born there. Any person born abroad to Palestinian parents who have the right to reside in occupied Palestine also has the right of residence if that individual returns to Palestine before the legal age of majority. A female Palestinian retains that right even if she marries a non-Palestinian. Her children also have the right to a Palestinian passport, the right of residence and the right to a Palestinian identity card before they reach 16 years of age, as is also the case with a Palestinian man married to a non-Palestinian woman.

148. Article 12 of the third revised draft of the constitution of the State of Palestine stipulates that Palestinian nationality and the attendant rights, including the right of return for those who left Palestine before 15 May 1948, is transferred from both mothers and fathers to their children.

149. Although Palestinian women in some parts of occupied Palestine enjoy that right on an equal footing with men, Israel, the occupying Power, continues to deprive all other Palestinian women of that right and its consequent benefits and effects, because some of them are subject to racist and discriminatory Israeli laws, preventing millions of women from returning to their home country. Those women include the following:

**Palestinian women living in occupied East Jerusalem**

150. Palestinian men and women in East Jerusalem hold permanent residence cards issued by the Israeli Ministry of the Interior that entitle them to some piecemeal rights but impose countless obstacles on them with respect to acquiring, retaining or changing their status or passing it on to spouses and children. In 1967, immediately after the illegal occupation of Jerusalem, the occupation authorities decided to annex that city illegally to Israel and impose Israeli law. The annexation and application of Israeli law to the occupied city was a tool to reinforce discrimination against the Palestinians of Jerusalem and to break apart even more Palestinian families. The laws applied by the occupation authorities are characterized by a racist double standard with respect to Palestinians. Jews are treated in accordance with laws that expanded the definition of "Jew" in the 1970s to include children, grandchildren and relatives. It grants Jews the right to immigrate to Israel and automatically acquire citizenship upon arrival. That allows any Jew to acquire Israeli citizenship and residence, while the racist provisions of the Nationality Act (1952) and its 1974 regulations apply to all non-Jews, namely the Palestinian residents of East Jerusalem, who are considered permanent residents.

151. Unlike citizens, permanent residents must show proof — again and again over the course of their lives — of their "centre of life", that is, proof that they reside in Jerusalem, before they may receive State services such as identity cards (the practical embodiment of permanent residence), travel documents or registrations of marriages, births and deaths of spouses. They must produce documents such as tax receipts, water and electricity bills and leases. Birth certificates must be shown to prove that their children were born in Jerusalem, and certificates must be shown to prove that their children are attending Jerusalem schools. That applies to Palestinian women and men. Anyone who fails to establish residence in Jerusalem forfeits his right and the right of his family to stay or work in Jerusalem, and is denied all social rights. That is pursuant to the Nationality Act and its illegal regulations, which give the Israeli Minister of the Interior the power to revoke permanent residence. Under article 11 (a) of that Act, permanent residence may be revoked if an individual has left the country for over seven years, has acquired permanent residence outside the country or has become a naturalized citizen of another State. That provision has been invoked in Jerusalem by successive Governments of the occupation State with the aim of emptying Jerusalem of its Palestinian residents, especially those who live on the outskirts of Jerusalem or in the West Bank, have studied or worked abroad or have obtained foreign citizenship.

152. According to the United Nations Office for the Coordination of Humanitarian Affairs office in the Palestinian Territory, East Jerusalem Palestinians lack safe legal residence. The Israeli authorities revoked the residence of at least 14,000 Palestinians in East Jerusalem between 1967 and the middle of 2010. Only a few hundred of those people succeeded in regaining their residence status.

153. In another example of discrimination, under illegal Israeli laws, both female and male Jerusalem residents with spouses who are not Israeli citizens or permanent residents of Jerusalem must request "reunification" so that they can live in the city as a family. In the very common case where a Palestinian woman resident of Jerusalem has married a Palestinian man with a Palestinian identity card, she must petition to be reunified with her husband and embark on a long series of degrading procedures that take many years. When the petition is submitted, the wife must provide documents, as described above, to the Israeli Ministry of the Interior to prove she is a permanent resident of Jerusalem. She must also provide a certified marriage contract and photographs of the wedding celebration. These photographs must show her wearing a white wedding dress and gold jewellery, and must also show the groom and the guests in order to confirm that a marriage has in fact taken place. However, even under this procedure before it was abolished, applications for family reunification were ignored. This was also the case when a Palestinian male resident of Jerusalem married a Palestinian woman with a Palestinian identity card.

154. After the outbreak of the second intifada in October 2000, the occupation authorities froze reunification petitions. In May 2002, they officially halted all procedures related to reunification applications in accordance with Decision 1813. In July 2003, the Israeli Parliament approved the Citizenship and Entry into Israel Act as a one-year provisional law. That Act prohibits Palestinians — women and men — married to Israeli citizens from obtaining Israeli citizenship or permanent residence. It thus prevents them from living in Israel or Jerusalem with their families. The Act has been applied retroactively to spouses who married before the law was adopted and to their children, who have been forcibly expelled from Israel as a result. To date, the racist Act has been renewed every year, making it permanent for all practical purposes.

155. In 2005, amendments were made to that Act that allowed women over the age of 25 who are married to residents of Jerusalem or Palestinian holders of Israeli citizenship to obtain a permit to stay with their husbands. The amendments also

allowed men over the age of 35 who are married to residents of Jerusalem or Palestinian citizens of Israel to stay with their spouses. Children over the age of 14 may have a residence permit, which may only be renewed if they are able to demonstrate that they live in Jerusalem on a regular basis. All those who do not fall within these age groups are automatically rejected. Even those who do fall within this category usually see their applications rejected. Long delays in processing ultimately give way to rejection under various pretexts, such as ostensible security reasons.

156. In sum, most women married to residents of Jerusalem are prohibited by law from obtaining permanent residence in Jerusalem, as are children who cannot be registered on their Jerusalemite father's identity card or in the population registry if the mother is a holder of a Palestinian identity card.

157. Conversely, women residents of Jerusalem have for all practical purposes lost their right to retain their residence in Jerusalem or have been stripped of it because they were forced to live outside Jerusalem in order to keep their families together. Even in the latter case, a woman resident of Jerusalem loses the right to renew her identity card if she has lived outside the city for several years, if she has lost the identity card or if her appearance has changed with time or because she has either begun wearing or stopped wearing the hijab. Similarly, if she decides to return to Jerusalem after divorce or the death of her spouse, she cannot reside legally in Jerusalem until she submits a petition for personal reunification, which takes several years.

**Palestinian women married to Palestinians who stayed inside the Green Line, and vice versa**

158. The prohibition on reunification, as described in the previous paragraph, also applies to Palestinians, both men and women, who hold Palestinian identity cards and who marry Palestinians who remained inside the Green Line after the Nakba in 1948 and acquired Israeli citizenship under the Israeli Nationality Act (1952).

159. In 2007, the Israeli Parliament expanded the scope of the racist Act, denying reunification to citizens of Syria, Lebanon, Iraq, Iran and Libya who were married to Palestinian citizens of Israel or Palestinian residents of East Jerusalem. In 2008, another amendment to the Nationality Act was made whereby citizenship could be revoked in the case of a "breach of trust" or "disloyalty to the State", even in the absence of a criminal conviction. That compounded the threat of discriminatory expulsion against Palestinian men and women, who are in fact the primary targets of these amendments.

160. There is no doubt that this racist policy is designed to prevent the reunification of Palestinian families and violates fundamental human rights to equality, freedom, privacy, citizenship and family life. It blatantly discriminates against Palestinians wherever they live. Women are the primary victims of these racist policies, as they find themselves forced to choose between two unjust options: either to live in their homeland and abandon their families and husbands, or to build a family life with their husbands and give up life in their homeland.

**Palestinian women refugees in the diaspora**

161. As of mid-2015, there were some 6,134,003 Palestinian refugees in the diaspora, comprising 49.7 per cent of the entire Palestinian population, according to the Palestinian Central Bureau of Statistics. These figures include citizens of other countries and the stateless. Those who have acquired citizenship of another country are subject to the laws of that country, including citizenship laws that are not necessarily consistent with the principles of human rights, particularly the rights of

women. Stateless persons are subject to a special system governing residence in the host country. In some cases, such persons are granted status equal to that of citizens of that country but do not have political rights, or are deprived of fundamental rights. Palestinian refugee women in particular are affected by prolonged refugee status, which deprives them of, among other things, their fundamental right to reside in their country and to pass this right on to their children.

162. Israel, the occupying Power, is the party primarily responsible for the creation of the Palestinian refugee problem, through its crimes against the Palestinians, such as killings and forced expulsion and displacement. It continues to bear primary responsibility for the continued exile and suffering of Palestinian refugees and their inability to return to their homeland. It has done everything in its power to make it impossible for them to return even from a practical point of view, by building Israeli cities and settlements on the ruins of abandoned Palestinian villages and Palestinian land, by accepting tens of thousands of Jews every year, by controlling Palestinian borders, border crossings and ports, by controlling Palestinian civil affairs, and by depriving refugees and their children of their right to live in their countries.

## Part 3

### Article 10
### Equality in education

163. Existing legislation guarantees the right to education for all, without discrimination, at all levels: kindergarten, primary and secondary school (academic and vocational) and university. Educational policies and programmes do not discriminate against women. The Amended Basic Law guarantees the right of every citizen to an education. Education is compulsory through primary school, and schools, educational institutes and public institutions are free of charge. The Education Act (1964) explicitly stipulates gender equality with respect to school enrolment, curricula, examinations and grade levels. This is also the case with regard to the Higher Education Act (1998), which explicitly states that every citizen has the right to higher education. It also states that fulfilment of objective educational requirements shall be the exclusive criterion for determining admissions and for awarding diplomas.

164. The Palestinian Child Act (2004) guarantees the right to a free, State school education for every child through secondary school. It provides for all appropriate and effective measures to eliminate various forms of discrimination in the right to education and guarantees equal opportunities for all children. It prohibits children from dropping out of school. Along with the Palestinian Rights of Persons with Disabilities Act, the Act affirms the right of children with disabilities to education and training at the same schools and at special centres, without discrimination.

165. The Palestinian Prisoners and Ex-prisoners Act (2004) also guarantees the educational rights of Palestinian prisoners and freedom fighters in occupation prisons, regardless of sex. It exempts them wholly or in part from university tuition fees.

166. The Reform and Rehabilitation Centres Act (No. 6, 1998) guarantees the right of every male and female inmate to an education, and states that inmates must be provided with the necessary resources to continue his or her education, whether at school or university. It allows them to be excused from daily work duties, and to sit for examinations.

167. The Palestinian Ministry of Education and Higher Education supervises Government and private schools as well as schools operated by the United Nations

Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Education in Palestine is divided into the following stages: preschool (kindergarten); primary education, which is compulsory and free for ten years, until the end of the tenth grade; secondary education, which is free in Government schools and includes sciences and humanities (literature) as well as vocational education, which is divided into industry, commerce, agriculture, nursing and hospitality; higher education; and parallel education and literacy.

168. In Jerusalem, all Palestinian schools are subject to discriminatory Israeli terms and conditions, which prompts many students, male and female, to drop out of school, or which deprives students of access to decent or appropriate education, as will be explained below.

169. The Ministry's Sectoral and Cross-sectoral Gender Strategy (2011-2013) has incorporated Palestinian educational mechanisms and conditions aimed at combating gender discrimination and ensuring justice and gender equality with respect to universal access to education, prevention of attrition and reducing illiteracy rates. It has turned education into a tool for raising awareness of human rights and gender equality. The Ministry conducted a comprehensive review of school curricula during the period from 2003 to 2006 and subsequently adopted new curricula at all educational levels. Despite improvements in those curricula, they still contain stereotypical portrayals of women's roles.

170. Laws in force in the West Bank do not prohibit co-educational schools, of which there are some 686. By contrast, in the Gaza Strip, the illegal Education Act (No. 1, 2013) enacted by Hamas prohibits co-educational institutions after nine years of age, and the Ministry of Education there is working to "feminize" girls' schools.

171. Sport is a compulsory subject in Palestinian school curricula throughout primary and secondary education, and female students are entitled to physical education and sport on an equal basis with male students at all schools.

172. Statistics from the Ministry of Education and Higher Education for 2014 and 2015 show a marked improvement in enrolment for both girls and boys. There are 2,856 schools of various types in Palestine, attended by 1,171,596 students (590,501 female and 581,095 male). Total enrolment of girls in primary education stood at 96.5 per cent as compared with 94.2 per cent for boys, while enrolment in secondary education stood at 80.1 per cent for girls as compared with 61.2 per cent for boys.

173. The Rights of Persons with Disabilities Act guarantees the right to education for persons with disabilities. That Act charges the Ministry of Education and Higher Education with creating a positive environment and addressing the needs of such students at schools, colleges and universities. Since 1997, the Ministry has worked to integrate both male and female students with disabilities, and for the 2014-2015 academic year, 7,552 students with disabilities were enrolled (3,998 male students and 3,554 female). Ministry data shows that approximately 63.6 per cent of Government schools accommodate special needs, providing toilets and ramps for persons with disabilities. The Ministry is working on providing more facilities for these students, and is modifying school buildings to fit their needs.

174. The following table shows the distribution of male and female students across various secondary school subjects for the 2014-2015 academic year, according to the Palestinian Central Bureau of Statistics:

Table 2
**Distribution of males and females across various secondary school fields for the 2014-2015 academic year**

| *Field of study* | *Both Sexes* | *Males* | *Females* |
|---|---|---|---|
| Humanities | 65.0 | 60.6 | 68.5 |
| Science | 24.4 | 25.9 | 23.2 |
| Commerce | 4.5 | 5.4 | 3.9 |
| Agriculture | 0.2 | 0.4 | 0.0 |
| Industry | 1.7 | 3.6 | 0.3 |
| Sharia | 4.0 | 4.0 | 4.0 |
| Hospitality | 0.1 | 0.1 | 0.0 |
| Home economics | 0.1 | 0.0 | 0.1 |
| **Total** | **100** | **100** | **100** |

175. Both male and female secondary school students still largely enrol in sciences and the humanities as opposed to vocational disciplines, and girls in general incline to the humanities more than boys.

176. The Ministry of Education has adopted several professional guidance projects and programmes, including an awareness-raising programme and vocational guidance, as well as the "From School to Work" project, which is designed to guide students in identifying disciplines and professions and the necessary skills, and help them choose fields that match their interests and abilities. To that end, the Ministry has adopted a vocational and technical guide aimed at male and female students in the eighth, ninth and tenth grades, and their families. It provides them with guidance in the areas of organizational skills, how to select the right field of study, interpersonal relations and lifelong learning.

177. Legislation and policies guarantee the right of students to freely choose their field of study at all educational levels according to their interests and abilities and in line with the principle of equality of opportunity, without gender discrimination. There is no educational discrimination between men and women at any level. Curricula and official secondary school examinations are standardized at all schools in occupied Palestine. That is also the case at Palestinian universities, where curricula are standardized by specialization at each university and students within each specialization at each university sit for standardized examinations, without discrimination.

178. With regard to dropouts and failures, Ministry statistics for the 2013-2014 period show that the failure rate at all levels of education was lower among girls. The failure rate was 1.1 per cent among girls, compared to 1.7 per cent among boys. That was also the case with dropout rates. The overall dropout rate among girls at all levels was 0.9 per cent, compared with 1.6 per cent among boys during the same years.

179. In order to combat attrition and the concomitant increase in child labour, the flowing ministries have developed the following measures:

**The Ministry of Labour**

180. The Ministry of Labour monitors the implementation of labour and child protection laws, which prohibit the employment of children under 15 years of age. Those laws impose penalties on employers who are in violation. The Ministry also

regulates and supervises labour by children over the age of 15 years. In all cases, it is prohibited to hire children to do any work which would conflict with their schooling.

**The Ministry of Education and Higher Education**

181. The Ministry has developed various plans to fight student dropout.

182. It buses male and female students to school from Bedouin settlements. Since 2012, the Ministry has provided 21 buses and five automobiles to ensure that students from Bedouin settlements have transportation to Government schools in Area C of the West Bank, and to ensure protection from recurring terrorist settler militia attacks that are a threat to their physical safety, not to mention an obstacle to education. Those buses currently serve approximately 1400 male and female students from 53 Bedouin settlements.

**Other activities**

183. These include the following: helping dropouts return to school, particularly female students who dropped out to get married; assisting men and women who are beyond school age to enrol in adult education; building new schools to reduce overcrowding and accommodate more students; providing teacher training and qualification; developing guidance programmes to help students overcome psychological and social problems and encourage them to continue their studies; and developing extracurricular activities to promote school spirit and enthusiasm for study and learning.

**Ministry of Social Development and other institutions**

184. The Ministry plays a pivotal role in mitigating attrition and developing programmes to address the causes of school dropout and early entry into the labour force, such as programmes to combat poverty and to offer cash and in-kind assistance, health insurance and employment opportunities for fathers and mothers.

185. Other social protection institutions, and certain non-governmental organizations, charities and UNRWA (where Palestinian refugees are concerned) play a complementary role to that of the Ministry of Social Development, providing cash assistance to poor families and job opportunities. These initiatives have mitigated — albeit partially — the phenomenon of students dropping out of school to work so they can help their families.

**Illiteracy**

186. There has been a clear decline in the prevalence of illiteracy in occupied Palestine, particularly among women. In 1997, the overall illiteracy rate among individuals 15 years of age and older was 13.9 per cent (7.8 per cent of men and 20.3 percent of women). Figures issued by the Central Bureau for 2014 indicate that the illiteracy rate in Palestine was among lowest in the world. The overall illiteracy rate in Palestine declined among individuals 15 years of age and older to 3.6 per cent (or 97,921 individuals). However, these figures show that there is still a significant discrepancy between males and females, as the illiteracy rate among males was 1.6 per cent (or 22,161 individuals), while the rate among females was 5.6 per cent (or 75,760 individuals) for the same year. The female illiteracy rate in rural areas increased to 8.4 per cent, as compared to 1.7 per cent for males. In urban areas the rate was 5 per cent among females as compared to 1.6 per cent for males. In the camps, the rate among females was 4.9 per cent as opposed to 1.6 per cent among males.

**Adult education**

187. The Education Act (No. 16, 1964) stipulates that the State is responsible for providing adult education to those who are interested by establishing centres with organized classes, for the purpose of self-improvement. Women are afforded the same opportunities as men to enrol in such centres. The Ministry of Education and Higher Education is implementing programmes to eradicate adult illiteracy and provide adult education and parallel education.

**Post-secondary education**

188. For the 2014-2015 academic year, female registrations and actual enrolments at 52 institutions of higher education (universities, colleges, community colleges or distance learning) stood at 133,362 students, or approximately 60.3 per cent of the total student enrolment of 221,395. Female graduates of higher education institutions for the 2013-2014 academic year numbered 24,111, or approximately 60 per cent of the 40,043 total graduates for that year.

189. The following shows the number of students enrolled in universities and community colleges for the specified academic year by sex (in thousands):

Table 3
**Data on universities, including intermediate diploma, bachelor degree and graduate students at universities and colleges**

(Thousands)

| | *Universities** | | | | *Community Colleges* | | | |
|---|---|---|---|---|---|---|---|---|
| *Academic year* | *(Both sexes)* | *Males* | *Females* | *Gender Parity Index*** | *Both sexes* | *Males* | *Females* | *Gender Parity Index*** |
| 07/08 | 168.1 | 75.3 | 92.8 | 1.23 | 13.1 | 8.2 | 4.9 | 0.60 |
| 09/10 | 185.0 | 79.1 | 106.0 | 1.34 | 11.6 | 6.9 | 4.7 | 0.68 |
| 10/11 | 201.4 | 84.5 | 116.9 | 1.38 | 12.6 | 7.5 | 5.1 | 0.68 |
| 11/12 | 205.1 | 85.2 | 119.9 | 1.41 | 12.1 | 6.9 | 5.2 | 0.75 |
| 12/13 | 201.4 | 81.1 | 120.3 | 1.48 | 12.3 | 6.4 | 5.9 | 0.92 |
| 13/14 | 203.4 | 80.4 | 123.0 | 1.53 | 11.1 | 5.7 | 5.4 | 0.95 |
| 14/15 | 209.1 | 81.6 | 127.5 | 1.56 | 12.3 | 6.4 | 5.9 | 0.92 |

190. Figures from the Ministry of Education and Higher Education indicate that female enrolment increased significantly in the fields of education, humanities, social sciences, commerce, law and fine arts. Enrolment rates declined slightly in medicine-related disciplines such as pharmacy and nursing, and also declined in the sciences, medicine and engineering.

191. With respect to education loans and grants, Decree Law No. 5 (2013) concerning a loan fund for students at institutions of higher education in Palestine affirms the right of female Palestinian university students to obtain loans to cover a bachelor's degree or diploma, in accordance with certain criteria, on the same terms that apply to male students. According to Ministry regulations, the conditions that must be met by candidates for scholarships at Palestinian universities or abroad are the same for all, without gender discrimination.

192. Women working in the pre-university education sector are approximately 59.8 per cent of the total number of education staff (excluding support staff) at government and private schools and UNRWA schools in Palestine. However, that

percentage declines as education level increases, especially at the university level. Women were only 25 per cent of the total number of employees of institutions of higher education.

**Challenges**

193. The Israeli occupation's continued control over Palestinian territory and the behaviour of its soldiers and settlers, particularly in East Jerusalem and Area C of the West Bank, play a major role in the deterioration of Palestinian education. That behaviour includes attacks on school buildings and facilities and the consequent infliction of physical and mental harm on students and teachers, murder, injury, detention, frisking, harassment, denial of safe access by students and teachers to schools, the threat of confiscation of school land, denial of licenses for electricity and water at schools, intermittent closures and raids of schools, repeated closure of military checkpoints, and many other violations that lead to lost hours of education and disruptions of the school day. Students are prevented from receiving a decent education in safe conditions, which has prompted many students, especially female students, to leave school and enter the labour force, or to marry at young ages and start families.

194. In 2013 alone, some 12,071 students, 547 teachers, and six staff of Palestinian schools were targeted by occupation soldiers with results ranging from death, injury, detention, arrest, house arrest, fines, delays at military checkpoints and denial of access to schools. Some 89 schools were subject to 344 attacks, most notably demolitions and raids, as well as vandalism of property and facilities, the firing of gas canisters, rubber bullets and live ammunition by occupation soldiers in schoolyards and classrooms, partial or total disruption of the school day, or closure of school operations entirely.

195. The situation is worse in East Jerusalem, where schools are under the full control of the occupation and its racist policies. Those schools are overseen by five different bodies, namely the Ministry of Information and the municipality of Jerusalem (which report to the Israeli occupation authorities), as well as the Islamic waqf (through the Palestinian Ministry of Education), UNRWA schools and the private and civil society sectors. Students at these schools are subject to numerous violations of their right to education, notably:

- They are denied easy and safe access to their schools because of the annexationist expansionist wall and the military roadblocks around Jerusalem that prevent thousands of students and teachers coming in and out of the city and accessing its schools;
- They are denied access to education in decent school buildings due to the moratorium on new school buildings, orders to demolish existing schools, refusal to improve deteriorating infrastructure and lack of any budget oversight mechanisms for such improvements, the imposition of complicated procedures for procurement of furniture and textbooks and the inadequate response to the huge current numbers of students and lack of planning to accommodate new students, which shuts thousands of Palestinian children out of the free governmental education system;
- According to the United Nations Office for the Coordination of Humanitarian Affairs, there is a chronic shortage of classrooms in East Jerusalem which would require the construction of 2,200 additional classrooms to accommodate Palestinian children. Many existing facilities are inadequate and do not meet standards;

- East Jerusalem schools do not have schoolyards and playgrounds. Many do not have libraries or science or computer laboratories. Classrooms are unsanitary, and half of the buildings are rented, at a cost of more than $750,000 a year, because it is too difficult to obtain permits to build schools due to the racist policy of the municipality of Jerusalem;

- Substantial monetary fines are imposed on schools arbitrarily. Citations are issued for acts such as placing canopies on school roofs to protect students from rain and sun. They might also be issued because a school building was not authorized pursuant to racist Israeli laws and the permit was denied, or because a classroom was expanded. Often the occupation authorities will impose these violations and fines on the school's principal and will prosecute him personally.

- Palestinian textbooks and curricula are bowdlerized with the intent of obliterating Palestinian identity among students. Anything that refers to the Palestinian cause, the right of return or other national issues is removed, which violates the right of parents and students to receive an education that is in line with their particular beliefs.

196. All these issues, in addition to the racist policies and the economic challenges imposed by the occupation authorities on Palestinian residents of Jerusalem, have led to extremely high dropout rates, especially among girls in secondary school.

197. In the Gaza Strip, the illegal blockade constitutes a grave threat to both primary and university education. The occupying forces continue to deny the import of materials to build new schools or to repair schools that have been impacted by the continuing wars against the Gaza Strip. The Ministry needs to build 139 new schools to accommodate students and provide them with a decent education. UNRWA needs to build 104 new schools in order to avoid a double- or triple-shift system.

198. The occupation authorities also impose severe restrictions on the import of many educational necessities, creating shortages of stationery, books and laboratory materials and other materials necessary for educational services. Recurring and lengthy electricity cuts negatively impact the entire education sector in the Gaza Strip. Occupation forces destroyed the only power plant in Gaza in late June 2006, and since then have not allowed it to be rebuilt and equipped so that it can return to its former power-generating capacity. The plant has been prevented from bringing in the amounts of industrial diesel fuel that it needs. The high cost of diesel generator fuel places a heavy burden on educational institutions in the context of the severe financial crisis they face. Electricity cuts have caused numerous problems, including computer crashes during lectures; disruptive lighting outages that cause problems particularly in the evening, and blocked access to electronic references and study materials on the Internet, all of which prevents students from access to adequate education and disrupts study.

199. The illegal blockade is accompanied by persistent Israeli attacks against the Gaza Strip and its civilian population and its cultural and educational institutions, which disrupts education and prevents hundreds of thousands of students from attending school or university. We cite the following examples of the impact on education of the 2014 aggression against the Gaza Strip:

- Of 235 damaged schools, 24 were not operational at the beginning of the subsequent academic year.

- Some 115 schools were used as shelters for displaced civilians, which led to the postponement of the start of the academic year.

- Six schools that had been used as shelters for internally displaced persons were targeted, even though UNRWA had informed the occupation authorities of the coordinates of those schools. Forty-four persons were killed inside these schools or in their vicinity, and 222 were injured.
- Higher education institutions suffered various types of damage, including six cases of major damage.
- Nineteen Ministry staff were killed and several others injured.
- Thousands of children of various ages were killed or injured.
- Those injuries left many students with disabilities, which makes it harder for educational institutions to accommodate them.
- Students suffered significant psychological problems, which inevitably affected their capacity to learn.
- Overcrowding in classrooms increased, and the number of schools employing the double-shift system rose, especially after the destruction that accompanied the aggression. Families were displaced from areas that saw massive destruction and gathered in city centres, which will increase student numbers at those cities' schools.

**Article 11**
**Labour equality**

200. The labour sector in Palestine is regulated by two key laws: the Civil Service Act (No. 4, 1998), which covers public officials and employees of State institutions; and the Labour Act (No. 7, 2000), which covers all workers in the private and civil sectors, with the exception the employer's immediate family members, and also of domestic workers, who are covered by a special regulation issued by the Minister of Labour. Like the Amended Basic Law, those laws do not discriminate between women and men with respect to the right to work, employment opportunities, wages, or any other rights related public, private or civil-sector employment. On the contrary, every citizen able to work has the right to employment, which the State of Palestine enforces on the basis of equal opportunity and without discrimination. Appointment to public posts is on the basis of equality of opportunity.

201. The Civil Service Act does not differentiate between male and female employees with regard to wages and benefits for public posts. That is true for base salaries, bonuses and any other compensation. Female employees have the right to equal pay for equal work. The same applies to the Labour Law, which explicitly prohibits discrimination between men and women as regards working conditions and terms of employment, including all financial benefits including wages, allowances, bonuses and reimbursements.

202. Women working in the private and civil sectors have the right to the minimum wage set by the Cabinet in 2012, which is about $365, without discrimination between them and men. It should be noted that in 2011, the poverty line was $600 and the extreme poverty line was $490. Remuneration above minimum wage can be set by contract between the employee and employer. Such a contract may under no circumstances contain provisions that discriminate against women. Any such contract would be deemed null and void because it would violate the Labour Act. Such contracts are in all cases subject to oversight by the Ministry of Labour, the Ministry of the Interior or the Ministry of the National Economy.

203. The Labour Act does differentiate between women and men with respect to the nature of work and working hours. That has an impact on the right of women choose their work. Women may not be employed in dangerous or strenuous work involving



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machines, chemicals or manual labour. They may also not be employed on night shifts, with the exception of work in the fields of medicine, social work, tourism or media, or in case of necessity, on condition that their safety and safe travel is guaranteed.

204. Women private and public employees are subject to the same evaluation guidelines and procedures as men. They are evaluated on the basis of performance and the degree to which they carry out the duties that would be expected of anyone occupying their particular job in terms of quantity and quality. Their job performance is assessed based on the work ethic, behaviour and personal qualities they exhibit in the course of carrying out their responsibilities and taking decisions.

205. The Civil Service Act and the Labour Act also guarantee the right of women to career advancement and job security. Promotions are to be based on evaluation of job performance. All things being equal, it is seniority that determines which of two deserving candidates is given priority. Working women are guaranteed job security. They may not be discriminated against because they are married or have children. They may not be singled out or penalized for either of those two reasons.

206. There are no legal provisions that discriminate against women with respect to professional training. For example, the Labour Act requires the Ministry of Labour to set forth and implement policies to continuously develop the skills, aptitudes and capacities of both male and female workers on the basis of equality of opportunity and freedom of choice.

207. With regard to maternity protection and childcare during work, legislation respects the reproductive role of women and guarantees them the right not to be discriminated against at work because of that role. The above-mentioned acts provide for the right of public and private employees to fully paid maternity leave both before and after childbirth. They prohibit discontinuing a woman's employment during maternity leave, provided she does not engage in other work during that time. A woman may not lose seniority or any raises or promotions she has coming to her because she takes maternity leave. Public and private employees who are nursing have the right to paid nursing breaks during the workday.

208. The Labour Act requires workplaces and employers to provide reasonable accommodations for women workers. The rules for the employment of women must be displayed in the workplace to make sure that women workers are aware of their rights, obligations, and available remedies, and that they are in a position to demand their rights.

209. Legislation prohibits pregnant or nursing women from working extra hours in any job whatsoever during pregnancy and for six months after giving birth. They may not be employed in dangerous work that might affect their health or the health of their foetus or infants. Employers are obligated to take measures to protect workers against workplace risks and illnesses. They must provide suitable health conditions, means of medical evacuation and periodic medical exams for both male and female workers. The cost of providing such workplace health and safety protection may not be passed on to the worker.

210. Legislation in force allocates 5 per cent of posts in all governmental and non-governmental institutions to persons with disabilities, depending on the nature of the work of such institutions. The Ministry of Labour is committed to develop occupational training programmes designed to adapt work to the needs of persons with disabilities.

**The right to social security**

211. Legislation regulating social security varies, depending on whether the worker in questions is working in the government, private or civil sector. Overall, the legal framework provides a range of insurance schemes, guarantees and compensation for working women, on an equal footing with men, in situations where they are unable to work and lose their income. Legislation on the right to social security for employees in the government sector covers the following risks, emergencies and social circumstances:

- *Ageing*: Retirement legislation in force in the government civilian and security sectors has the same qualifications for retirement benefits for men and women. That applies to compulsory retirement age, years of service needed for retirement benefits, and contributions required. Retirement pensions are calculated the same way for women as for men. The same applies to conditions for early retirement.
- *Death*: Male and female children of a deceased female retiree from the government sector are eligible to receive the deceased's retirement pension under the same conditions that would apply to a father who was a government retiree.
- *Illness*: Legislation grants women paid sick leave on an equal footing with men. Women working in the government sector receive government health insurance just as men do.
- *Full medical disability/workplace accidents/occupational illnesses*: Legislation has increased the various types of compensation and medical expenses that a male or female worker incapacitated for any of the above reasons is entitled to, and requires employers to insure all workers against workplace accidents.
- *Family benefits*: The Civil Service Act regulates the family allowances to which a male or female employee in the government sector is entitled. They are considered part of the salary, and can come in the form of allowances for housing, the nature of work, hazards, or any other incentive payments for performance, services rendered or research to increase efficiency and sound fiscal management. Such allowances also include social allowances for male or female spouses who are not employees, and male or female children under the age of 18. In certain cases, those allowances continue to be disbursed even after the age of 18. If both spouses are staff members of the civil service, the social allowance is paid to only one of them.
- *Maternity leave and nursing breaks*: Female employees receive leave with full pay for a period of 10 consecutive weeks before and after giving birth. An employee who is nursing has the right to leave work one hour before closing for a year following the birth of the child.
- *Paid leave*: Women civil servants, like men, have the right to various other kinds of paid leave. That includes weekend leave, religious and government holidays, regular annual vacation, emergency leave, educational leave and leave to perform the hajj pilgrimage.
- *Unpaid leave*: Female civil servants have the right to leave without pay to take care of a child for up to a year, accompany a husband going abroad for work or study for the entire time he remains abroad, or for other reasons that she may communicate to management.

212. The State of Palestine has made significant progress on the right to social security. In March of the year 2016, a decree law was issued on social security. It was the first social security legislation ever enacted in Palestine. However, the Palestinian President suspended enforcement of the legislation in response to demands from civil society for the amendment of some of its provisions to ensure maximum protection and social justice, particularly for the poor and marginalized. In October 2016, the Palestinian President reissued the amended decree law. The amended text was agreed to by all the relevant government and civil society parties.

213. In keeping with relevant international standards to which the State of Palestine has committed itself, the decree law covers several types of basic social insurance. They include the following: old age, congenital disability and death, workplace injuries, maternity, illness, health insurance, unemployment, family allowances, and compulsory or optional retirement. The decree law's provisions are applicable to the following classes of workers: all workers covered under the Labour Act in force; workers not covered by retirement provisions for government civilian and security personnel; Palestinian employees of international and regional organizations or foreign diplomatic or political missions operating in Palestine; workers and employees at local agencies previously not covered by retirement regulations; and domestic workers and persons in comparable positions. The Social Security Agency will monitor and collect payments on behalf of Palestinian workers abroad, including back payments and deductions. However, workers who have informal arrangements with their employers will not be covered under the decree law. That leaves a substantial segment of women workers outside the scope of the law, since a majority of informal workers are women.

214. The decree law guarantees the right to social security and access to benefits to men and women on an equal footing without discrimination between. That includes the same retirement age, which is 60, for both men and women. Some classes of worker do not make adequate contributions. That includes women, because they are often in the labour force only intermittently owing to family responsibilities and also because their wages are often inadequate. The decree law addresses that problem by granting early retirement to beneficiaries who stop working at the age of 55, provided that they have made at least 240 payments, for women, and 300 payments, for men. In contrast to the government retirement legislation currently in force, the decree law on social security does not require a husband to be incapacitated and unable to earn and income in order to be eligible to be one of the beneficiaries of a deceased wife's retirement pension.

215. The decree law on social security of women grants women 12 weeks of paid maternity leave, not to exceed five consecutive weeks before and seven weeks after giving birth.

**Oversight and accountability mechanisms**

216. Under the Labour Act, female workers, like males, can appeal to the Labour Inspectorate if an employer violates any provisions of that Act. If the violation is proven, the Inspectorate imposes financial penalties on the employer, which double with each recurring violation. The Inspectorate may also require the employer to pay back wages to the female worker, and may completely or partially shutter the workplace. Working women may also appeal to the courts to claim their employee rights and worker compensation. Court fees are waived for all workers in cases involving disputes over wages, vacations, severance pay, workplace injury compensation or arbitrary termination. In the government sector, female civil servants may file a complaint about administrative decisions that violate their rights. They also have the right to appeal to the Supreme Court to challenge such decision have them overturned.

**Sexual harassment**

217. The Civil Service Act and the Labour Act do not address sexual harassment in the workplace. Nor is it criminalized under the Penal Code. Consequently, it is handled with reference to the underlying principles and penalties for crimes against honour. Those crimes include rape, sexual assault, indecent fondling, proposing acts contrary to public decency, and the use of indecent language. The punishment for such crimes is imprisonment for a period of no less than 10 years if the perpetrator is a personnel manager who committed the act by using his authority or facilities deriving therefrom. The draft penal code criminalizes sexual harassment and defines it as follows: "any deliberate harassment of another person through repeated acts, words or gestures offensive to that person's dignity or modesty for the purpose of inducing that person to respond to sexual advances; or the application of pressure to undermine that person's will to resist such advances". A perpetrator is punished by no less than 6 months in prison, which is increased to 2 years if the perpetrator has formal or de facto power over the victim.

218. The percentage of women 15 years and older in the labour force in Palestine had seen a marked improvement as of 2015. According to statistics from the Palestinian Central Bureau of Statistics, that percentage was 19.1 per cent, as against 71.9 for men. That is an improvement and signals a decline in the gender gap in women's participation in the labour force compared to 2000, when those percentages were 10.3 per cent for women compared to 66.8 per cent for men. Nevertheless, there were still more than four times as many men as women in the labour force as of 2015.

219. The following table shows the breakdown of the labour force by age group and sex in 2015:

Table 4
**Labour force broken down by age group and sex in 2015**

| *Age group* | *Total* | *Male* | *Female* |
|---|---|---|---|
| 15-24 | 32.7 | 52.9 | 11.6 |
| 25-34 | 61.4 | 90.5 | 31.1 |
| 35-44 | 59.0 | 92.5 | 24.4 |
| 45-54 | 54.5 | 86.9 | 20.0 |
| 55-64 | 35.6 | 58.3 | 12.3 |
| 65+ | 9.0 | 17.6 | 2.5 |
| All age groups | 45.8 | 71.9 | 19.1 |

220. Statistics from 2015 indicate that 66.8 per cent of working women were wage workers, compared to 69.1 per cent of men. The proportion of self-employed women was 14.0 per cent compared to 19.1 per cent for men. The proportion of women business owners was 2.1 per cent versus 7.1 per cent for men.

221. The following tables show the breakdown of the labour force by occupation, economic activity and gender:

Table 5
**The relative distribution of male and female workers aged 15 and over by occupation in Palestine, 2015 (percentage)**

| *Occupation* | *Males* | *Females* |
|---|---|---|
| Legislators, senior managers | 3.3 | 3.0 |
| Technicians, specialists, assistants, clerical workers | 21.5 | 52.9 |
| Services and sales staff in markets | 20.1 | 16.3 |
| Skilled agricultural and fishery workers | 3.9 | 10.4 |
| Craftspeople and related occupations | 20.7 | 7.7 |
| Machine operators and assemblers | 10.7 | 4.0 |
| Elementary occupations | 19.8 | 5.7 |

Table 6
**The relative distribution of male and female workers aged 15 and over by economic activity in Palestine, 2015 (percentage)**

| *Economic activity* | *Males* | *Females* |
|---|---|---|
| Agriculture, hunting and forestry | 8.3 | 14.9 |
| Mining, quarrying and manufacturing | 16.4 | 13.9 |
| Building and construction | 24.2 | 0.7 |
| Commerce, restaurants and hospitality | 22.4 | 13.0 |
| Transportation and communications | 6.1 | 1.2 |
| Other services and sectors | 22.6 | 56.3 |

222. It is clear from the preceding tables the distribution of working women still skews largely towards traditional occupations and the services and agricultural sectors. More than half of women work in the services sector. About one fifth work in agricultural occupations. There is a notable scarcity of women in upper management.

223. According to data from the Palestinian Central Bureau of Statistics for the year 2014, it is clear that there are few women engineers and doctors. One the other hand, the proportion of women in medicine-related professions such as pharmacy and nursing saw an increase. The figures are as follows:

- Some 22.2 per cent of registered members of the Union of Palestinian Engineers were women, while 77.8 per cent were men.
- Some 15.2 per cent of registered members of the Palestinian Medical Association were women, while 84.8 per cent are men.
- Almost one third of registered members of the Palestinian Dental Association were women, while about 70.5 per cent are men.
- Some 50.5 per cent of registered members of the Palestinian Nursing Association were women, while 49.5 per cent are men.
- Some 55.8 of the members of the Palestinian Pharmacists Association were women, while 44.2 per cent are men.

224. A survey of the labour force in Palestine conducted by the Central Bureau of Statistics showed that the overall unemployment rate for 2015 was about 25.9 per cent. That broke down to 39.2 per cent for women versus 22.5 per cent for men. The

unemployment rate for women breadwinners was 17.8 per cent, as opposed to 14.3 per cent for male breadwinners. Even though these figures show a wide gap in unemployment rates between women and men, they do not reflect the true proportion of women who are unemployed. They do not include women who refrain from seeking work outside the home because of the difficulty of juggling family responsibilities and work.

225. The Labour Act does not cover informal work such as domestic service, or employees who are the employer's immediate family members. Cabinet Decision No. 42 (2004) contains special provisions that cover working hours and vacations for workers in the seasonal agriculture sector. However, data and statistics are not available for Palestine for informal workers, because they do not fit into any of the official job classifications, even though they are of qualitative productive value to both their families and to national development. A significant proportion of that sector's numerous activities are engaged in by women, the most notable being light manufacturing such as sewing and weaving, seasonal agriculture, and running informal family enterprises. Those working women are not covered by legal guarantees protecting workers' rights, such as access to social insurance. In addition, the overall contribution of women to work and to the economy is miscalculated and undervalued, since domestic activities carried out by women without pay is not accounted for in GNP. Excluding agriculture, the proportions of workers in the informal sector in 2015 were about 14.2 per cent for females, 29.3 per cent for males.

**Challenges**

226.

- Despite efforts that have produced draft laws on social affairs, health insurance, domestic violence and other social issues, it remains difficult to speak of social development or social protection. The financial crisis is worsening owing to recession, a decline in economic growth rates and the lack of sustainable programmes. Things are only made more difficult by the continued Israeli occupation and Israel's illegal de facto hegemony over Palestinian life, resources and capacities.
- Mechanisms for follow-up and oversight of workplaces in the private sector are inadequate. The actual conditions of female and male workers do not match up with the rights provided for by legislation.
- The Ministry of Labour has an acute shortage of labour inspection teams to inspect registered and unregistered workplaces. It lacks the necessary financial and technical capacities.

**Working conditions in Israeli workplaces**

227. Without a doubt, Israeli policies and practices contrary to the rules of international law have affected the Palestinian economy in general and the labour sector in particular, bringing about a decline in living standards for Palestinian families and a dangerous rise in unemployment in occupied Palestine. That has forced some Palestinians to accept work in illegal Israeli settlements under harsh conditions and at low wages. In 2015, there were about 26,300 male and female Palestinians working in illegal Israeli settlements, spread over the construction, building, manufacturing, agricultural, services, mining and hospitality sectors. That is according to statistics from the workforce survey conducted by the Palestinian Central Bureau of Statistics for 2015.

228. Studies have demonstrated the oppressive working conditions faced by Palestinians in the settlements. Palestinian child labourers are exploited in dangerous environments for long hours. In general, Palestinian labourers are discriminated against. They are not paid the same wages as Israeli workers doing the same jobs, and do not receive the bare minimum of wages, basic social rights and promotions. Palestinian workers who go to work in Israeli settlements face all manner of abuse at Israeli checkpoints. They are forced to wait long hours. They are barred from using public transportation and Israel drivers refuse to drive them to their workplaces. Their work permits are arbitrarily cancelled by the civilian administration. Male and female workers are forced to work extra hours in the hope of receiving extra pay, but many of them never receive it. A large number of them are not registered, so they are barred from receiving benefits. Many male and female workers are subject to being fired because they are unable to get to their workplaces on a regular basis as a result of Israeli practices and security measures, or because they try to demand their rights.

229. Israeli employers do not comply with the provisions of the Labour Law when dealing with Palestinian workers. They exploit those workers' desperation for work and use all sorts of methods to swindle Palestinian workers out of their rights. There is virtually no supervision or oversight by the Israeli Government of such workplaces and working conditions. Palestinian workers in the settlements are also subjected to physical and psychological violence, racial discrimination, and threats to confiscate their work permits, whether from the occupation army or the employers.

230. Female Palestinian workers in the settlements suffer from an additional layer of discrimination based on gender. They get paid only half the daily wages that men get, which are well below the minimum wage in Israel to begin with. The work longer hours than the male workers in the services and agricultural sectors, without the additional hours being taken into account.

231. Palestinian workers in the illegal Israeli settlements do not to not have the benefit of health and occupational safety requirements. Most of them work in workplaces that do not provide protective uniforms and equipment. They are exposed to the sun, smoke, chemical fumes, insecticides and flammable materials.

232. Palestine is making a national effort to boycott illegal Israeli settlements on Palestinian territory occupied in 1967. The President issue Decree Law No. 4 (2010) banning products produced in the settlements, in order to give compulsory effect that national effort. Under that Decree Law, it is unlawful for any person to deal in products from the Israeli settlements in the Palestinian market in any way whatsoever. It is also unlawful for any person to provide any services to those settlements or to work in them. Since that time, the Government has put forward a number of plans and programmes to enforce the provisions of that Decree Law, to find replacements for those products and support the national economy.

### Article 12
### Equal right to health

233. The law does not discriminate between women and men when it comes to the right to health. The law regulating the health sector in Palestine, the Public Health Act (No. 20) of 2004, prioritizes women's health as an integral part of the Palestine development strategy. The Ministry of Health is mandated to provide preventive, diagnostic, treatment and rehabilitative health services for women and children. Women do not have to ask for permission from a legal guardian or spouse in order to have access to health care, including family planning services. On the contrary, the law grants all persons, including women, right of access to essential care,

primary care and emergency care and the right to have proposed treatment plans clearly explained to them. Patients also have the right to consent to care or refuse it. In all these matters, the specific circumstances, dignity and religious and cultural beliefs of the patients must be respected.

234. The law prohibits termination of pregnancy except on medical grounds and under a specific set of conditions. It is an offence to deliberately terminate a pregnancy, whether with or without the mother's consent. The penalty in cases where a woman dies as the result of having a termination or a termination procedure will vary depending on the circumstances. A woman who terminates her own pregnancy or has a termination performed by a third party faces a penalty of from 6 months to 3 years in prison. Mitigating factors will be taken into account if the woman was motivated by the desire to protect her honour. The same applies to descendants or relatives up to the third degree of kinship who perform the procedure. The penalty is higher if the termination is performed by a doctor, surgeon, pharmacist or midwife.

235. A therapeutic termination may only be performed legally when given conditions obtain, namely, the procedure is necessary in order to save the woman's life and an attestation to this effect is provided by two doctors, at least one of whom must be a gynaecologist. A woman must also give prior written consent. If she is unable to do so, the husband or legal guardian must give consent and the procedure must be carried out in a health facility.

236. The Ministry of Health of Palestine is responsible for overseeing and organizing the work of the health sector. It is also responsible for: delivering the vast majority of medical services at different levels; making proposals on legislation; and formulating and implementing policies to ensure equal and equitable access to high-quality services for women, persons with disabilities and the poor. It does this in partnership with health service providers, including the private and voluntary sectors, military health services, the UNRWA and the Palestinian Red Crescent.

237. In 1995, the General Department for Women's Health and Development and the Community Health Division were established within the Ministry to improve access to a full package of high-quality reproductive health services in mother and child centres at primary health care facilities, with a focus on persons in deprived areas and in localities where mobility is restricted owing to the unlawful construction of the annexationist and expansionist separation wall and settlements. Those departments also ensure the delivery of quality services in hospitals, particularly in delivery wards and postnatal wards.

238. There are six different kinds of government health insurance in Palestine: compulsory health insurance (government and municipal employees and contractors); voluntary insurance; insurance for workers at the Green Line; contractual insurance; social security insurance; and insurance for Palestinian prisoners and their families. In 2015, 175,248 families in the West Bank were included in all these insurance schemes and 13,817 families were receiving free health insurance. Since 2000, moreover, the Government has been providing free insurance for the unemployed, indigent families and those earning less than the minimum wage. Some 215,000 families benefit from this form of insurance. Pursuant to a presidential decree of 26 June 2007, all those who live in the Gaza Strip are exempted from paying fees for health services provided at government health facilities. This includes one-off services, meaning that health coverage for the population is completely free of charge. Wives and husbands have an equal right to benefit from a package of health services that was established under a government

health insurance scheme in 2014, as do their dependents, including children, parents and siblings.

239. The Ministry of Health is mindful of the health care needs of women and has taken steps to meet them. It has made sure that reproductive health services, prenatal care and family planning services are an integral part of the work of primary health care centres and has set up mother and child units in these centres.

240. The Ministry, together with the Ministry of Education, organizes regular talks in schools on reproductive health and has devised protocols (guidelines) such as a consolidated national guide to reproductive health services, a consolidated national guide on safe births in hospital and a system for referrals between primary health care facilities, hospitals and ancillary services departments. It has also designed and developed staff training programmes on women's health and individual and group consultations as well as other health education services.

241. Non-governmental organizations contribute to the delivery of health services, particularly women's health services, such as screening, family planning, health education, prenatal and perinatal care, diagnosis and treatment of reproductive and sexually transmitted diseases, and other services that cover the needs of women at all stages of life.

242. In the context of primary health care delivery, the Ministry of Health provides a full range of free health services for mothers, expectant mothers and children up to the age of 6.

**Safe motherhood**

243. The Ministry of Health offers prenatal care, care for women whose pregnancies are at risk, and postnatal care. It provides education and information about breastfeeding, child nutrition, hygiene and vaccinations. Its centres deliver free services to expectant mothers, even if they have no health insurance, for general tests, laboratory tests and sonograms. However, admission to hospital for the birth of a child or any other procedure is free of charge only for those with government health insurance. The Ministry of Health has set up safe birth facilities in the governorates, notably in deprived areas.

244. The Ministry's statistics for 2014-2015 point to a marked improvement in reproductive health, an increase in the number of women receiving prenatal care and a drop in the number of home births. In fact, 95.5 per cent of women between the ages of 15 and 49 received health treatment from a caregiver at least four times during the course of their pregnancies: 95.7 per cent in the West Bank and 95.3 per cent in Gaza.

245. The Ministry also provides prenatal care, including vitamin supplements (iron and folic acid) for expectant mothers. For example, an average of 2.9 units of iron and folic acid were administered to each pregnant woman registered at health-care centres in 2015. Prenatal and perinatal care is also delivered in the home. Midwives visit families and each time they monitor the state of hygiene and the level of awareness of good nutrition practices and the needs of mother and child.

**Fertility**

246. The total fertility ratio in the State fell to 4.1 children per woman in 2014 (3.7 in the West Bank and 4.5 in the Gaza Strip) from 6.0 in 1997.

### Family planning

247. The Ministry of Health introduced family planning in primary health centres in 1996-1997. Contraceptives and other family planning methods are offered to women at a nominal charge. Family planning services are provided at 306 centres in Palestine, and a total of 82,115 visits were paid to family planning centres in the West Bank in 2015. Contraceptive pills are the first method of choice, followed by condoms and intrauterine devices.

### Life expectancy and mortality rate

248. Life expectancy for women in 2015 was 75 years, compared with 72 years for men. In 2009, a national committee on maternal mortality was set up, with members representing all those who provide health services to women, to establish a mechanism specifically designed to contain and reduce the maternal mortality rate. In 2015, the maternal mortality rate was 15.7 per 100,000 births, representing 20 cases of death that year.

### Breast cancer and reproductive diseases

249. Primary health care centres run by the Ministry of Health offer free mammograms as part of their early detection services. The reproductive health protocol calls for women in the 40-49 age group to be screened every two years and women aged 50 and above to be screened every year. Where there is a family history of breast cancer, screening is to take place every 6 to 12 months. The Ministry offers free cervical smears, and the necessary equipment to allow for continuity of this service has been purchased. Hundreds of nurses have been trained to carry out cervical smears.

### AIDS and sexually transmitted diseases

250. The Ministry of Health offers free health services at government hospitals to all those who are suffering from these diseases. The services include diagnosis and treatment. If need be, the Ministry will pay for private hospital treatment. Through the National Anti-AIDS Committee, the Ministry runs programmes designed to curb the spread of these diseases by disseminating health information and providing support to sufferers and their families. Between 1998 and 2016 there were a total of 94 AIDS cases, 16 of them women, in Palestine.

### Female genital mutilation

251. Female genital mutilation and other traditional practices that are harmful to women's health are not carried out in Palestine.

### Disabilities

252. Around 113,000 persons in Palestine, or 2.7 per cent of the population, have a disability, according to a survey on disabilities conducted in 2011. The incidence of disability in the male population was 2.9 per cent, as against 2.5 per cent in the female population. Impaired mobility is the most common form of disability among women and men alike. The Rights of Persons with Disabilities Act was enacted to ensure the delivery of care and rehabilitation services, particularly in the areas of health, determination of the degree of disability and the delivery of comprehensive services under the government's free health insurance scheme to persons with disabilities and their families. Medication and medical equipment are provided, together with treatment and surgery. The Ministry of Health will pay for services

delivered in the private sector in Palestine or abroad when they cannot be provided in the government sector.

253. One of the main obstacles that persons with disabilities face in getting access to health and rehabilitation services is the budget and the funding constraints of the Ministry. Those constraints usually mean that those persons have to wait a long time to receive these services.

**Challenges**

**Violations of the right to freedom of movement and travel to access health services**

254. The Israeli occupation Government has imposed a comprehensive security cordon on Occupied Palestine, which has had a profound impact on the ability to deliver comprehensive care to women and access to health centres and hospitals. In 2013, 68 Palestinian women were obliged to give birth at Israeli military checkpoints. Five of them died and 35 miscarried. Women take hours, sometimes more than four hours, to get to health centres in the West Bank.

**Health status of Palestinian women prisoners who are arbitrarily detained on the basis of discriminatory factors that have to do with nationality and gender**

255. Palestinian women prisoners in occupation jails are living in extraordinary conditions as far as health is concerned. They are subjected not just to systematic physical and mental torture, but also to a policy of deliberate medical neglect on grounds of their nationality and gender. They are denied the most basic medical and health services, including the right to decent food and to treatment. They are given medicines that have passed their sell-by dates and those with chronic diseases are denied medication. They are also denied necessary surgery. Volunteer doctors are not allowed into the prisons, women prisoners with infectious diseases are not separated from other inmates and they have no access to specialists. Some of the prisoners are pregnant and need medical monitoring. These women give birth with their hands still in restraints, no heed being paid to their labour pains. They do not even receive postnatal care, which means that both they and their babies are placed at risk. In addition to all of this, Palestinian women prisoners are denied the right to receive health services respectful of their background and cultural beliefs, or even of their gender, leaving them exposed and weakened over and above any diseases they may suffer.

256. Israeli prisons and intelligence services exploit the injuries and poor health of women prisoners — and male prisoners — to put them under pressure and extract confessions and information from them in exchange for treatment or other advantage.

257. Palestinian women live in harsh and inhumane conditions. Most prisons are not in conformity with international standards relating to space and building codes. There are insects and vermin everywhere, accompanied by poor ventilation, severe damp, overcrowding, very high ambient temperatures and a lack of cooling devices. Women prisoners are not allowed to bring in winter clothing, other forms of covering or sanitary products. They are denied the human right to hygiene and the right to change their clothes. There is a severe shortage of cleaning materials and insecticides in the prisons.

**Violations of the rights of medical teams**

258. In 2014, the Palestinian Red Crescent recorded 1,246 violations of the rights of medical teams in the West Bank who were carrying out humanitarian assistance work such as surgical procedures and the transportation and delivery of emergency

care to the wounded and sick. Ambulances with patients on board were prevented from passing and emergency personnel were assaulted and subjected to gas canister attacks.

**Aggression against the Gaza Strip in 2014**

259. The most recent assault on the Gaza Strip did untold damage to the fundamental rights of Palestinian women, notably their right to life, survival, physical integrity, basic protection as civilians during an armed conflict and the right not to be used as targets. The unlawful and protracted Israeli aggression made no distinction between military and civilian targets and constituted a grave breach of the principles of proportionality, necessity and humanity. It led to the killing of around 489 women, 22 per cent of the total number of victims, including 16 pregnant women. A total of 3,532 women were injured, accounting for 31 per cent of all those injured. The assault left an indelible mark on women's reproductive health. Because they were not able to get to hospital and delivery of care was delayed, 4 pregnant women died and 18 had to have their babies at home. The number of premature births increased because of anxiety and stress felt by expectant mothers. The neonatal mortality rate doubled during the assault, rising to 14 per cent from 7 per cent in the preceding months. This was due to the use of gas, the shortage of medicines and medical equipment and the direct injuries inflicted on women.

260. Work in the six hospital birth wards was interrupted and some 117 hospitals, clinics, primary health centres and pharmacies were damaged. Prenatal services became more scarce, as the wards were used to treat the wounded, and women who had had Caesarean sections were discharged early from hospital. Prenatal services were cut by more than 70 per cent during the assault and family planning services were reduced by between 60 and 90 per cent during the same period.

**The illegal blockade**

261. The illegal blockade imposed by Israel, the occupying power, is undermining the functioning of the health-care system, thereby affecting the health and endangering the lives of 1.8 million Palestinian women and men in Gaza. The capacity of the health system in Gaza had been severely curtailed due to the impossibility of modernizing, reconstructing or renovating infrastructure damaged by ongoing Israeli military aggression.

262. Medical services, including life-saving procedures, are at risk of collapse as the fuel used to run backup generators is in short supply due to the illegal blockade and the racist policies applied in allowing the importation of fuel. Continual power cuts very often result in damage to delicate medical equipment. Moreover, the occupying power applies unlawful restrictions to the importation of medicines, treatment devices, medical equipment and spare parts, while the fact that thousands of Palestinian women and men who suffer from serious illness are being prevented from travelling to the West Bank or abroad to receive treatment is resulting in the deaths of hundreds of them.

**Article 13**
**Equality of economic, social and cultural rights**

263. In 2004, Palestine acceded to the International Covenant on Economic, Social and Cultural Rights. The preamble to the Amended Basic Law has affirms Palestine's commitment to guarantee and respect all basic human rights and fundamental freedoms. Palestine does all it can to enforce these rights and to focus on issues affecting women as essential and active partners in building the economy and society.

### The right to adequate housing

264. The Amended Basic Law affirms that adequate housing is the right of every citizen, and stipulates that the State shall secure housing for those who are without shelter. The relevant laws, such as Law No. 1 (1996) on ownership of flats, apartments and shops, do not discriminate between men and women.

265. As part of its strategic plans in recent years, the Palestinian Ministry of Public Works and Housing has developed and implemented a number of housing projects to provide decent, sanitary and affordable housing for all citizens, particularly families earning less than the average income, which include poor households headed by women and widows. Under the plan, the Ministry prioritizes the building of such housing projects within cities and on their immediate outskirts in order to keep transportation costs low and ensure easy access.

266. In 1991, the Palestinian Housing Council was established to alleviate housing problems faced by families on limited incomes, to provide long-term housing loans for those families and to improve housing for poor and marginalized groups, particularly women, divorcées, widows, the elderly and persons with special needs. Over 7,000 Palestinian families, or more than 40,000 individuals, have benefited from Council programmes. Some 1,976 marginalized and poor families and families with members with special needs are able to exercise their right to decent housing through grants and the ability to adapt their homes to their needs.

## Challenges

### The home demolition policy of the occupation authorities

267. In various parts of occupied Palestine, women bear the brunt of Israeli occupation violations and the policy of home demolition. These women face multiple challenges, particularly as it often is their responsibility to carry out the roles expected of them and to provide shelter, and, by extension, safety and security, for the family, in physically and psychologically demanding circumstances.

268. In addition to the psychological suffering experienced by women when their homes are destroyed, economic conditions have worsened for Palestinian households due to the demolition of homes, the loss of their possessions, lost opportunities to work, boys and girls being forced to drop out of school, the increase in the rate of early marriage and the increase in economic burdens on the family and women in particular. Statistics provided below shed some light on the magnitude of the suffering of Palestinian women as a result of the Israeli occupation authorities' policy of demolishing homes that do not in fact pose any significant security threat.

269. Various pretexts are used by the Israeli occupation authorities for home demolitions in occupied Palestine. The reasons given in the Gaza Strip differ from those in the West Bank, including Jerusalem. Since 1967, the occupation authorities, pursuant to the British mandate Defence (Emergency) Regulations of 1945, have always demolished Palestinian homes on illegal pretexts, such as ostensible security reasons; failure to obtain permits based on racist laws; violation of racist Israel housing policies; or the proximity of those homes to illegal settlements, borders or bypass roads. The Israeli occupation forces have also employed various methods to demolish homes, using bulldozers, heavy artillery, air-to-ground missiles, ground-to-ground missiles and explosives.

270. In the Gaza Strip, houses and other civilian buildings have been destroyed by missiles and artillery shells, without prior warning to the occupants. When warnings are issued, they are pro forma and serve only to sow fear. They do not meet

international legal standards, as these "early warnings" do not allow sufficient time for people to evacuate their homes safely — in most cases, only one to three minutes. In any case, even if residents are able to evacuate safely, there is no other safe place for them to go, as all civilian buildings, even schools and shelters, are targeted by artillery or Israeli aircraft.

271. Statistics show that Israeli attacks on the Gaza Strip in 2014 led to the destruction of some 13,217 homes, 1,742 of which were totally destroyed. Approximately 100,000 Palestinians were displaced as a result. In earlier Israeli military attacks and operations in the Gaza Strip during the period from 1 January 2008 to 1 August 2013, Israeli occupying forces demolished some 14,086 homes, 2,836 of which were totally destroyed. The housing crisis in the Gaza Strip is exacerbated by the Israeli blockade that has been in place since 2006, the denial of import of necessary materials for housing and infrastructure reconstruction and the policy of preventing Palestinians from using large areas of land close to the border.

272. In Jerusalem, Israel pursues a policy of Judaizing the city and divorcing it from its Palestinian reality. It employs all manner of illegal methods available to remove the city's Palestinian population by force. One of the most important methods is the confiscation of land and the destruction of property and houses. According to the United Nations Office for the Coordination of Humanitarian Affairs in occupied Palestinian territory, 35 per cent of land in East Jerusalem has been confiscated for the development of illegal Israeli settlements. Only 13 per cent of East Jerusalem land has been allocated for Palestinian construction, most of which is already in use. At least one third of Palestinian homes in East Jerusalem do not have building permits, as they are difficult to obtain due to racist laws imposed by the Israeli authorities. Therefore, more than 90,000 citizens live under the constant threat of home demolition and expulsion, with the accompanying psychological repercussions.

273. As noted by the Office for the Coordination of Humanitarian Affairs, the Israeli occupying forces in East Jerusalem destroyed 2,000 houses between 1967 and 2014, resulting in the displacement of approximately 5,419 people, including 2,832 children and 1,423 women. Houses are often demolished using bulldozers. The occupation authorities attack the occupants when they try to protect their homes and prevent them from being destroyed. In recent years, the Israeli occupation authorities have begun to force the Palestinian population to demolish their homes themselves and at their own expense. Criminal occupation demolitions of Palestinian homes have increased of late, with approximately 550 houses destroyed by the occupying forces in the West Bank in 2015, 1,094 houses destroyed in 2016, and 177 houses destroyed in January and February of 2017.

274. The full control exercised by Israel over Area C, an area which represents approximately 60 per cent of the West Bank, has led to severe restrictions on the right of Palestinians to housing and natural expansion. Most of that land is allocated to Israeli settlements, which are privileged over Palestinian communities in terms of access to land, resources, planning and infrastructure development. Seventy per cent of the land is located within the boundaries of the regional councils of the settlements. Palestinians are prohibited from using or developing it and the Israeli civil administration, according to the Office for the Coordination of Humanitarian Affairs, allows Palestinians to build in less than 1 per cent of Area C, which no longer has any space available for construction.

275. Five thousand Palestinians live in 38 compounds that are partly located in parts of Area C that have been declared as military training "firing zones", which has increased the population's exposure to danger and risk of expulsion. Approximately 540 Palestinian buildings were demolished in 2012, including



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165 homes that were claimed to lack Israeli building permits. This led to the displacement of 815 people, more than half of them children. Those Palestinian compounds already suffered from a total lack of decent services or infrastructure.

276. Thousands of Palestinians from Bedouin settlements and herder communities in the West Bank and East Jerusalem are at risk of forcible displacement under illegal and racist plans. Israel, the occupying Power, wants to give these plans a veneer of legality by describing them as resettlement programmes aimed at serving the Bedouin communities and improving their living conditions. However, these are merely settler schemes designed to empty the territory of its Palestinian inhabitants and set up outposts that would undermine the geographical continuity of the occupied State of Palestine. These plans aim to normalize the confiscation and destruction of private Bedouin property such as homes, shelters and livestock pens, as well as the destruction of basic services and infrastructure.

277. Israel currently intends to forcibly move some 46 Bedouin communities of 5,000 to 11,000 individuals, over two thirds of them women and children, to areas that do not meet minimum living standards. The dire living conditions and limited areas for grazing or other sustenance will lead to the loss of tribal continuity and will undermine their traditional lifestyle. One of these settlements is located near a municipal landfill that would pose a health risk to this population. Even though it claims to recognize "Bedouin law", Israel has since the 1990s forcibly displaced over 200 Palestinian Bedouin families from these communities, and continually demolishes hundreds of tents, agricultural and livestock facilities, and water and sanitation installations on the pretext that they are unauthorized and have been illegally set up in Area C.

278. In addition to this particular racist plan, Israel, the occupying Power, pursues a variety of other illegal policies and practices to shore up its plans to displace Palestinian Bedouin by creating a climate of coercion and unacceptable living conditions. It denies repeated requests for building permits, destroys houses, tents and schools. It restricts access to pasture and markets. It confiscates and destroys, or restricts delivery of, humanitarian assistance and restricts its delivery. All these practices have the ultimate effect of forcing these communities to leave the areas where they live.

279. Undoubtedly, depriving Bedouin families of their fundamental rights, especially the right to adequate housing, primarily impacts Bedouin women, as the home is their basic shelter and source of security. It also affects their right to basic services and a decent standard of living.

**Family benefits**

280. The Civil Service Act grants female civil servants the right to receive family allowances for non-State employee husbands and children up to the age of 18. In certain cases, this allowance might be continued even after the children reach the age of 18. With respect to other benefits, the Act makes no distinction between entitlements for female and male civil service employees.

281. With respect to other family benefits such as retirement pensions, either spouse may leave entitlements such as pensions and compensation to their heirs in accordance with the provisions of the Public Pension Act, without any discrimination on the basis of sex. A widow may also inherit such benefits and compensation from her deceased pensioner husband. A husband may inherit them if at the time of his wife's death he is unable to earn an income for health or other reasons. This regulation entails unequal pension rights for women, as she is obliged to pay into her pension fund on the same basis as men. It is also assumed that women are always dependent and that men are always the breadwinners and never

dependent on their spouses. However, a female employee who has reached retirement age and earns a pension for her service will not lose her pension because she is married.

282. There are disparities in poverty rates between male-headed households and female-headed households (the latter accounted for 9.3 per cent of all Palestinian households in the West Bank and the Gaza Strip in 2011). However, those disparities are not great, with a poverty rate of 29.8 per cent for male-headed households and 25.5 per cent for female-headed households. A study shows that female-headed households are not necessarily the poorest, as the factors contributing to poverty, such as marital status, level of education and type of employment, impact all families and are the same whether a man or a woman is the breadwinner.

283. As part of the efforts by the State of Palestine to provide a decent standard of living and promote equality and justice for all individuals without discrimination, the Government has strived over recent years to improve and reform the social safety net in order to ensure that it helps those in need. For example, the State has streamlined cash assistance programmes into a single programme, namely the Cash Transfers Programme (CTP), which in 2013 assisted some 104,203 families, or 586,024 individuals, at a cost of $128 million. Households headed by women accounted for 43.6 per cent of all beneficiary families.

284. The Ministry of Social Development is charged with supporting vulnerable populations, such as poor families, persons with disabilities, orphans, children and the elderly. That entails positive discrimination in favour women, especially with respect to access to assistance and streamlining of procedures. The Ministry offers these groups assistance and social insurance such as cash, in-kind assistance, food, clothing, health insurance, auxiliary aids for persons with disabilities, customs exemptions, school fees, economic empowerment services and shelter and health care services.

**Bank loans and mortgages**

285. The law does not discriminate between women and men with respect to bank loans and mortgages. Under such laws, men and women have equal legal capacity to perform bank transactions, open bank accounts, make deposits, borrow, and obtain mortgages, credit facilities and various other types of credit. Women are subject to the same restrictions, conditions and interest rates that are set for men, and do not have to meet any special requirements.

286. Legislation governing the financial sector outside of the banks in Palestine treats women and men equally. That is the case with regard to the activities of securities markets and companies as well as the underwriting, trading, deposit, transfer and settlement of securities. Statistics issued by the Palestinian Central Bureau of Statistics for 2014 indicate that 41.1 per cent of account holders in the Palestinian securities exchange (the Palestine Exchange) were women, while 58.9 per cent were men.

**Women's sports**

287. Policies in the area of recreational and sporting games do not discriminate against women and girls. In the education system, physical education is compulsory in all schools. Female students participate in sporting activities on an equal basis with their male counterparts.

288. In 2004, the first Palestinian women's football team was formed and participated in several Arab and Asian championships. In 2008, a Palestinian

women's football league, composed of several women's football clubs, was established.

289. With regard to sport for women with disabilities, it should be noted that the law on sport attaches particular importance to developing the potential of persons with disabilities and providing them with opportunities to engage in sporting activities at high levels. The Supreme Council on Youth and Sport is carrying out a project to empower children with disabilities and strengthen their leadership skills through sporting activities.

**Article 14**
**Rural women**

290. The proportion of the Palestinian population living in rural areas amounts to 16.8 per cent of the total population in Palestine, or approximately 4.6 million people, compared with the 73.8 per cent who live in urban areas and the 9.4 per cent of them in refugee camps. The second Palestinian Population, Housing and Establishment Census, conducted in in 2007, defines rural areas as population centres with fewer than 4,000 inhabitants. Population centres with 4,000 to 9,999 inhabitants are counted as rural if they lack the following four facilities: a public electricity grid, a post office, a healthcare centre with a full-time practitioner on staff five days a week, and a secondary school that grants a general secondary school diploma.

291. The economic activity of rural women remains low overall. Economically active women account for 18.9 per cent of the total labour force, of which 47.2 per cent are located in the Palestinian countryside. Women accounted for 25.6 per cent of agricultural workers, which is relatively significant given that agriculture is the primary economic activity and major source of income for families, providing jobs for approximately 9.5 per cent of the labour force in the West Bank and 6.6 per cent in the Gaza Strip. The agricultural sector accounts for 5.6 per cent of GDP and 21 per cent of total exports, and enables local populations to achieve food security and self-sufficiency through local agricultural products. Agriculture is also a key factor in protecting Palestinian land from confiscation by occupation authorities and settlement expansion.

292. Agricultural sector workers are not exempt from the scope of application of the Labour Law, even if the agricultural work they do is temporary or seasonal. The provisions of the Labour Law stipulate that workers engaging in short-term, temporary or seasonal work have the same rights and responsibilities as permanent workers. Working hours and leave for seasonal agricultural workers provided for in Council of Ministers decision No. 42 (2004).

293. The Disaster Risk Reduction and Insurance Fund is a non-profit fund established pursuant to Decree Law No. 12 (2013). It works to put in place precautionary measures to minimize the impacts of natural disasters, and other risks to the agricultural sector, chief among them violations perpetrated by the Israeli occupation. The Fund compensates farmers and insured persons for agricultural damages and losses.

294. The strategic objectives of the Palestinian National Development Plan 2014 to 2016 pay special attention to rural women, as well as to women in Area C, marginalized areas, refugee camps and areas affected by the annexationist expansionist wall and the Israeli settlements. Areas of particular concern include enhancing guarantees of fair access to public services, improving the effectiveness of those services and working to bridge the development gaps between different geographical regions.

## Challenges

### The fragmentation of Palestinian land

295. Israel, the occupying Power, is responsible for widespread illegal practices intended to create facts on the ground and make its illegitimate presence on occupied Palestinian land permanent, thereby fragmenting its geographic unity and violating Palestinians' right to self-determination, in flagrant contravention of international norms. Those measures include the destruction of property and the seizure and de facto annexation of Palestinian lands by force, the construction of settlements on contiguous blocks of land that Palestinians cannot enter, the annexationist expansionist wall that separates the Israeli and Palestinian populations, while also separating Palestinian towns and villages and maintaining the corridors that link Palestinian areas under Israeli control.

296. Israeli settlements are one of the most important elements of the illegitimate colonialist occupation regime installed by Israel, the occupying Power, immediately following its occupation of Palestine. Israel exercises security and administrative control over the entire illegal settlement area, which it is working to fortify and support through the construction of infrastructure, naturally leading to the creeping annexation of land, preventing the establishment of a contiguous Palestinian state and undermining the right of the Palestinian people to self-determination. Israel also effectively dominates the remainder of occupied Palestine through security measures of which the least that can be said is that they are racist against Palestinians. Those measures entail consistent and daily violations of the rights of Palestinians that most certainly do not discriminate between women and men. They violate the rights to personal safety, freedom of movement, work, education, health, fair trial, freedom of access to places of worship and effective remedies.

297. Since 2002, Israel has continued to build and maintain the annexationist expansionist wall that is a gross violation of the provisions of international law and of the 2004 advisory opinion of the International Court of Justice. Some 351,000 Palestinian citizens live in isolated and besieged areas in the "seam zone" between the wall and the Green Line, largely isolated from the main Palestinian cities and towns. Those citizens are required to obtain special permits to enter and exit, sometimes only at specific times, and to continue to reside in their homes which they have to cross numerous gates and military checkpoints to reach. That undermines their right to freedom of movement, denying them regular, easy access to their homes and hindering their access to institutions and facilities that provide basic public services, such as education and health. Anyone who owns land within that area must obtain a special permit, which is often subject to repeated refusal, in order to access their agricultural lands and water resources through agricultural gates that are not opened at regular hours for Palestinian farmers, as is described in the concluding observations of the United Nations Human Rights Committee regarding Israel in 2010, in which the Committee expressed its concern at the non-compliance by Israel with its obligations under the International Covenant on Civil and Political Rights. This situation reduces the time available to gain access to land and perform agricultural work, adversely affecting life in the Palestinian countryside and the sources of income of its population.

298. This situation has a major impact on women in those areas. The wall, illegal settlements and accompanying system of barriers and permits violate women's fundamental rights. In terms of the right to adequate housing, Israeli practices include the destruction, confiscation and removal of Palestinian private property from homes, land, orchards and fields. That undermines the right of Palestinian families, including women, to secure ownership, and deny them the right to inhabit and enjoy their homes without fear of losing them, also preventing them from

improving their housing and living conditions. Palestinian women in those areas live in poverty in inadequate, overcrowded and dangerous housing with zinc and asbestos roofing. Palestinians in the seam zone cannot obtain licences to build, expand or renovate houses. Since most Palestinian women in those areas do not work outside the home, their lives are the most affected by the poor, overcrowded housing conditions. They stay inside longer and shoulder the responsibility for caring for children and the elderly, in addition to performing household tasks and some minor income-earning activities at home.

299. The wall also violates the right of women to sustainable access to natural and public resources. For example, women, as well as their families, are prohibited from bringing heating and cooking gas home through checkpoints along the wall. They have also been barred from bringing home some food products, such as meat and eggs. They cannot dispose of waste because sanitation trucks are not allowed to reach their homes.

300. The wall and settlements impede women's freedom of movement, transportation and access to their homes and lands. That situation is aggravated by a lack of transportation that impacts Palestinians in those areas disproportionately. Palestinian buses and other forms of public transport do not have access to areas under Israeli control. Alternative means of transport are cost-prohibitive. The poorest families cannot afford and private cars.

301. Women in the safe zone are also barred from access to basic services. In particular, most health services are provided in the West Bank on the eastern side of the wall. Those women are therefore forced to pass through the barriers and undergo searches, harassment and confrontations with armed Israeli soldiers. That can be on an almost daily basis for women in need of regular access to medical services for routine examinations during and after pregnancy, as well as other medical services.

302. Women are also being denied their right to education. The wall and settlements separate students and teachers from their schools. The daily journey can take two hours each way because of bypass roads, military checkpoints and gates. Enrolment numbers, especially for girl students, have plummeted at many schools. Palestinian families living in those areas have been forced to urge their daughters to give up their spots in school and remain at home, or to marry them off at an early age in order to spare them the daily checkpoint crossings and hostile encounters with Israeli soldiers that they would have to face if attending school. Those same obstacles created by the wall have also led to a decline in enrolment rates at Palestinian universities.

303. The wall and settlements also have an impact on the rights of women, particularly rural women, to work and earn a livelihood. They prohibit the passage of equipment needed to harvest crops in the fields. Transporting products, crops and fodder through checkpoints and gates is also prohibited. Palestinian women and men are not permitted to transfer more than two kilogrammes of anything to their villages without coordination, especially in most villages located in the seam zone. The lives of women are especially affected by that situation. It deprives them of the ability to be economically self-sufficient, which in many cases forces them into dependency on male relatives, costing them not only their economic autonomy but also their social status.

304. Without a doubt, the wall and the regime associated with it are intended to drive male and female Palestinian farmers to despair and get them to give up cultivating their lands west of the wall. In particular, the widespread threats to not renew permits could result in fields being shut down and lying fallow, as a result of which they could be declared State land and their owners should be stripped of ownership.

305. The reality of life in the areas adjacent to the wall is frustrating for women in terms of their family life, as only those who live in those areas are allowed to enter. This means that women, who have moved to the area to live with their husbands, are cut off from their families and surroundings. The construction of the wall and the imposition of numerous policies barring Palestinian women - whether Muslim or Christian - and Palestinian men from entering Jerusalem from the West Bank and the Gaza Strip violate their freedom to access holy sites in East Jerusalem.

**Attacks on women farmers and destruction and theft of agricultural crops**

306. The racist measures imposed by occupation authorities against male and female Palestinian farmers prevent farmers from getting to their fields to cultivate them, especially fields adjacent to the wall. They also open the door to attacks by terrorist settler militias that invade, destroy and burn agricultural land, uproot fruit trees, and destroy, poison, burn and steal crops, mainly olive trees. It is not only the terrorist settlers who perpetrate such attacks; they are also carried out by the Israeli occupation forces.

307. Statistics show that some 850,000 olive trees were destroyed by the occupying forces and terrorist settlers in the West Bank between 1967 and 2014, with 11,000 trees uprooted in 2014 alone. That is according to the department of the Palestinian Ministry of Agriculture responsible for documenting such damages. As a result, olive oil production has decreased by an average of 2,200 tons per year. Some 9 million olive trees in the West Bank have fallen prey to such crimes. In addition to the symbolism of the olive tree as the emblem of Palestinian national steadfastness and resistance, it is a strategic crop in terms of its economic, nutritional and medicinal value. Some 80,000 families rely on olive tree cultivation as their main or secondary source of income, and the crop accounts for 15 to 20 per cent of gross agricultural income in Palestine.

308. Terrorist settler militias and Israeli occupation forces have razed large areas of agricultural land and destroyed infrastructure, attacked and stolen livestock, demolished livestock sheds and agricultural installations, hindered the movement of citizens and products and exerted control over crossings, borders and waste burial. All this has visited ever greater devastation upon the already besieged agricultural sector and upon men and women farmers, even without taking into account the rise in poverty and unemployment. The persons and the dignity of Palestinian farmers, especially women, are not spared by terrorist settler militias and Israeli occupation forces, which beat, humiliate, threaten and fire tear gas on them daily in order to force farmers to evacuate their land.

309. The Ministry of Agriculture has identified some 4,690 Israeli violations against Palestinian farmers and agricultural land over the past five years, with losses estimated at $48.32 million. The Ministry of Agriculture documents these violations and the resulting damages in order to prosecute the perpetrators and demand compensation. However, most of these complaints, like others, are often closed without any indictment being brought by the Israeli law enforcement agencies or the judiciary, which function basically as tools for maintaining the occupation, protecting its interests, and rendering the political and military echelons the terrorist settler militias immune to any accountability, thereby ensuring their total impunity for the violations they commit against Palestinians, both women and men.

## Part 4

### Article 15
### Equality before the law and the judiciary

310. The Amended Basic Law treats Palestinian men and women equally before the law and the courts. The same is true for most legislation in force, including the commercial and civil codes, the law on landlords and tenants, the law on the rights of persons with disabilities, the law on prisons, the laws governing professions and the law on the environment. There are still provisions prejudicial to gender equality in certain laws inherited from previous eras. That applies particularly to the Penal Code and the Personal Status Code.

### Equality of legal capacity

311. As a rule, there nothing in the laws in force to prevent women from possessing legal capacity to carry out legal procedures on an equal footing with men. However, there are some exceptions. Like men, women in Palestine are considered to have full legal capacity at the age of 18, regardless of social status, with respect both to eligibility to act and eligibility to take on obligations. Women have the same legal capacity as men to carry out civil and commercial transactions on behalf of themselves and others. That includes signing contracts or managing property, businesses or companies. Women have full capacity to impose and take on obligations, and to conclude credit and real estate contracts under the same terms as men.

312. The matrimonial property system used in Palestine is a separate property regime. Each spouse retains ownership of property previously owned or accumulated during married life. The wife's property is separate from that of the husband. She has the right to dispose of it independently of without her husband's authorization. There are two cases in which legislation places restrictions on a wife's assets because of a husband's actions. The first is if he declares bankruptcy. In such cases, the wife considered subsidiary to the husband under the Commercial Code. It is assumed that property acquired during the marriage was purchased with the husband's money and is included among assets to be liquidated unless the wife proves otherwise. The second case is if her husband is a fugitive accused of an offence related to public funds under the Code of Criminal Procedures. In such a case, the wife's assets and property may be considered, on the basis of evidence, to be the proceeds of the crime under investigation and may be confiscated.

313. The Amended Basic Law and the codes of civil, criminal and administrative procedure contain provisions guaranteeing the equality of citizens before the courts. Women have the same standing as men to litigate. They have the right to file suit, defend themselves, present evidence, make accusations, claim compensation or seek enforcement in any other court proceeding in any court at any level. A woman also has the right without discrimination to seek to have an attorney appointed at State expense if she is accused of a crime and her financial circumstances make her unable to pay legal fees. The proposed 2014 draft law on a Palestinian legal aid fund grants indigent persons the right to seek legal assistance at any stage of a legal proceeding. Under such conditions, women, children and persons with disabilities are given special priority. That constitutes an effective strategic tool to ensure that women in particular have recourse to justice.

314. The codes of civil, criminal and administrative procedure treat the court testimony of a woman no differently from that of a man and give both the same weight. The circumstances in which testimony is accepted or taken under advisement or rejected by a court are the same for men and women without

discrimination. That is not the case in the sharia courts, where the testimony of a woman is treated differently from that of a man. The same applies to testimony relating to marriage contracts. The testimony of a man is equivalent to that of two women. One woman by herself cannot act as a witness. There must be either two male witnesses or one man and two women. The same applies to land sale transactions conducted at land registration bureaus.

315. The Amended Basic Law guarantees freedom of residence and movement to both men and women. No Palestinian may be forced to leave the homeland or prevented from returning to it or leaving it. Other laws in force do not contain any provisions restricting the right of a woman to travel or choose her place of residence. An exception to that is to be found in personal status legislation that requires a married woman to move with her husband and reside in her husband's home, provided that the woman has been paid her advance dowry and the home in question is legal, secure and furnished with all the necessities of life. However, that legislation gives a woman the right to stipulate in the marriage contract that her husband will not force her to change residence. She may also stipulate that he may not take her out of the country or force her to live in a particular country. Such stipulations are binding. If the husband fails to fulfil them, the marriage contract may be dissolved at the wife's request, without prejudice to the rest of her marital rights.

316. Women have the same freedom of movement and travel as a man. A wife or daughter has the right to obtain a passport without the approval of the husband or father. As long as a woman is over 18 years of age, there is no legal basis for a man to prevent his wife or daughter from travelling, even if she is travelling without his permission and without a close relative accompanying her. A widowed mother may have passports issued in her children's name provided she has a certificate of guardianship from a sharia court.

**Challenges**

317. Israel, the occupying Power, practices a policy of apartheid characterized by racist policies and procedures that violate the rights of Palestinian women — and men — to move freely and choose their place of residence. It has set up physical and administrative obstacles that prevent Palestinians from using many roads in the territory of the State of Palestine. At the same time, Israelis have the right to move about with complete freedom in all areas with no obstacles whatsoever. In the very heart of the West Bank, Israeli settlements located inside the Green Line are linked by a network of roads that Palestinians are prohibited from using. There are hundreds of military checkpoints and other physical obstacles set up between cities and towns that make movement difficult, particularly for sick persons, the elderly, pregnant women and children. In addition, Israeli enforces a policy of roadblocks, street closures and curfews, and has built bypass roads that not only violate Palestinians' right to movement but also have the effect of isolating Palestinian communities and fragmenting the State of Palestine by cutting of natural geographic contiguity.

318. Four million Palestinian men and women from the rest of the territory of the State of Palestine are prohibited from residing in East Jerusalem, the capital of the State of Palestine and an integral part thereof. They may not even enter East Jerusalem without temporary permits that are difficult to obtain. The right of Palestinians to move around and gain access to Jerusalem has been violated even more severely in the wake of the construction of the illegal annexationist and expansionist wall around the city, which, combined with the system of checkpoints and permits, constitutes the greatest violation of all of Palestinians' right to freedom of movement.

319. For the ten years now, Israel, the occupying Power, has imposed an illegal blockade on the inhabitants of the Gaza Strip. Some 2 million Palestinian men and women who live in the Strip continue to be deprived of their right to freedom of movement in and out of the Strip. They cannot travel even just to the West Bank because of the closure of the Bayt Hanun crossing, which is the only way to get from the Gaza Strip to the West Bank. The same is true for people who live in the West Bank, including Jerusalem, who are barred from entering the Gaza Strip.

320. Israeli restrictions on freedom of movement are not just confined to the movement Palestinians inside Occupied Palestine. They extend to the international border crossings, which have been controlled by Israel since it occupied the West Bank and the Gaza Strip, allowing it to exert complete control of the entry and exit of Palestinians.

321. These racist Israeli policies have serious implications for the economic, commercial and agricultural sectors, as well as education and health. They also have the effect of undermining family relations, which affect all Palestinians, but most especially women.

**The Israeli court system**

322. The Israeli judiciary is the cornerstone of the racist colonial occupation regime. In particular, the composition and procedures of the military courts violate international law and the rights of Palestinian victims — women and men — by depriving them of their right to a just remedy for the violations and crimes committed against them by the occupation army and the terrorist settler militias. Cases to which an Israeli is a party can only be brought before Israeli courts, even if all the other parties are Palestinian and the incidents under dispute occurred on Palestinian territory. Palestinians who file suit before Israeli courts, even in civil and criminal cases, face racist procedural hurdles and exorbitant court bonds and fees that make it impossible for them to exercise their right to just redress. Palestinians are also denied compensation by the Israeli authorities for actions perpetrated by Israeli officials, which is their right under the law on civil liability (liability of the State) (2005), amended in 2012. For their part, the Israeli occupation forces prevent Palestinian victims from physically going to Israeli courts with their racist policies and measures that obstruct the movement of Palestinians and make it impossible for them to get to courts in Jerusalem or inside Israel. Taken as a whole, all this deprives Palestinian victims — women and men alike — of their right to justice and compensation, insulates the crimes and violations of the occupation from accountability, provides impunity to the Israeli perpetrators (whether they are members of the terrorist settler militias or the occupation army forces), and gives them licence to continue committing all manner of acts of violence and terrorism against the property and persons of Palestinian men and women, wherever they may be.

**Article 16**
**Women's rights under personal status laws**

323. Muslims in Palestine do not have a uniform, modern and fair legislative framework for personal status matters. In the West Bank, the applicable codes are the Jordanian Personal Status Code (No. 61, 1976) and the Code of Sharia Legal Procedure (No. 31, 1959), as amended. In the Gaza Strip the applicable codes are the Ottoman-era Palestinian Code from 1917 and the Family Rights Code (Order 202, 1954), followed by the Code of Sharia Legal Procedure (No. 12, 1965) issued by the governor of the Gaza Strip, with supplementary provisions from the Majalla al-Ahkam al-Adaliyah. Meanwhile, the Sharia Court of East Jerusalem operates under the personal status laws applicable in the Hashemite Kingdom of Jordan,

because that Court is still administratively part of that Kingdom's sharia justice system. Any amendments to the that Kingdom's personal status codes are instantly put into force by that Court, which is currently enforcing the 2010 Jordanian Personal Status Code (No. 36, 2010).

324. In general, these various codes regulate matters pertaining to marriage and family relations, including betrothal, children, divorce, guardianship and inheritance. Their provisions are based on the Islamic sharia, that is to say, the Holy Quran, the Sunnah of the Prophet, and certain schools of Islamic jurisprudence, primarily the Hanafi school. Certain of those codes defer to what is predominant practice in the Hanafi school where there is no explicit text. The Office of the Chief Qadi has jurisdiction over personal status matters pertaining to Muslims. The sharia courts hear and rule on personal status cases among Muslims. The Christian communities have their own personal status codes which are enforced by their ecclesiastical courts.

325. The personal status codes in force among both Muslims and Christians share several general principles that are applicable when it comes marriage issues. The most important are as follows:

- Marriage may be contracted only between a man and a woman.
- Relations between men and women outside of the institution of marriage are illegitimate.
- The full and free consent of both the man and the woman is an essential condition for a valid marriage.
- Personal status documents — and most particularly marriage and divorce certificates — must be registered with the sharia or ecclesiastical courts. That protects the rights of both spouses and their children with respect to inheritance, parentage, dowries and alimony.

**The right to contract marriage**

326. The law guarantees a woman's freedom to become engaged and break off an engagement, and to conclude a marriage contract of her own free will, without anything detracting from that free will. A coerced marriage is considered invalid, and the spouses are not permitted to stay together. If they do not separate of their own accord, a judge will separate them. If the marriage was not consummated, it has no effect. If the marriage was consummated, then the rules for dowry, post-marital waiting period and parentage apply, but the rules for inheritance and upkeep before and after the separation do not apply. A woman has the right to insert into the marriage contract any condition in her interest that is not prohibited under sharia law and does not prejudice the right of a third party. If the husband fails to comply with such a condition, the marriage contract may be annulled at the request of the wife, without prejudice to her marital rights.

327. However, there do exist provisions that restrict and limit a women's freedom to contract marriage. A marriage contract for a virgin daughter requires the approval of a guardian, who is always a male. Males do not need the approval of a guardian. Where there is no guardian, or if the guardian withholds approval (that is, if he refuses to allow the daughter to get married for no legal reason), a judge becomes the guardian of the daughter and has the right to approve the marriage. A widow or divorcee over the age of 18 does not need the approval of a guardian to get married.

328. Personal status laws in force discriminate between women and men with respect to marriage age. The minimum marriage age in the West Bank is 16 Islamic calendar years for males and 15 Islamic calendar years for females. In the Gaza Strip, the marriage age is 18 for males and 17 for females. However, a judge may allow a girl

over 9 years of age to get married if she is ruled to be sufficiently mature and her physical constitution is equal to it. The same applies to a boy over 12 years of age if he is ruled to be sufficiently mature and his physical constitution is equal to it, even if his guardian does not give permission for him to get married. The bride and groom must both have reached the aforementioned marriage ages in order to conclude a valid marriage contract. Otherwise, the marriage is considered invalid.

329. The marriage age for the Eastern Christian churches is 16 for a boy and 14 for a girl. The same applies to the Roman Church. The Syriac Orthodox Church requires a boy to be 18 years old and a girl to be 16. In general, the Christian communities regard marriage as a sacrament. Marriage may be contracted if the conditions for free will, capacity and legal guardianship are fulfilled, and there is no other obstacle or impediment.

330. There are several respects in which the Muslim personal status codes in force restrict women's freedom to choose a husband. The guardian of a legally adult woman has the right to protest and sue before a judge for annulment if she marries a man without enough money for her — that is, who is unable to pay her advance dowry and afford her upkeep. However, the right of a guardian to lodge such a protest is revoked if the wife has become pregnant by her husband, or if her husband has acquired sufficient money by the time the suit is heard. Additionally, a Muslim man has the right to marry an adherent of one of the other recognized religions even if she continues to adhere to that religion, whereas a marriage between a Muslim woman with a non-Muslim man — even if he is an adherent of one of the recognized religions — is considered null and void. The rules for parentage, alimony, the post-marital waiting period, forbidden relationships and inheritance do not apply in such a case.

**Rights and responsibilities when concluding or dissolving a marriage contract**

331. Personal status laws in force enshrine traditional roles for the various members of a family. While the man is the head of the family and has guardianship and decision-making authority, the women is supposed to be obedient and take care of the home. The marital relationship is based on reciprocity of rights and obligations rather than equality. The woman has rights that correspond to the man's duties and the man has rights that correspond to the woman's duties. Personal status laws require a man to maintain a good relationship with his wife and treat her with kindness, while a woman is required to obey her husband in all legally permitted matters. If the wife disobeys her husband by abandoning the marital home without just cause — which under the sharia would be if the husband harms his wife by beating or mistreating her — or by refusing to allow her husband to enter her home without having requested to be moved to another home, she loses her right to marital upkeep for as long as her disobedience persists. It she ends up being divorced for reason of that disobedience, she also loses her right to alimony.

332. A man can have up to four wives, on condition that he provides them with fair and equal treatment, upkeep and living conditions. He may not house them all under the same roof unless they agree. A wife does have the right to stipulate in the marriage contract that her husband may not marry anyone else and that if he does, the marriage contract may be annulled at her request without prejudice to any of her marital rights. The first wife must be informed that the husband intends to marry a second wife prior to concluding that second marriage contract, and the second wife must be informed that he is already married. Polygamy is prohibited by all of the Christian denominations.

333. Under Muslim personal status laws, a husband must provide his wife with upkeep regardless of how burdensome that is for him. She is not required to support even just herself with her own money. Required marital upkeep includes food,

clothing and shelter, as well as adequate medical care, servants (if he provides his other wives with servants), and burial arrangements upon her death. A woman observing the waiting period after a separation, annulment or divorce, whether revocable or irrevocable, has the right to upkeep throughout the waiting period. Upkeep during the waiting period must be the same as marital upkeep. A woman whose husband dies does not received upkeep during the waiting period whether she is pregnant or not. The same is the case for the Christian communities. Maintaining the wife is a husband's duty, regardless of how burdensome it is. She loses that right if she displays disobedience.

334. A father must also support his children if they do not have enough money of their own. A male child must be supported until he is old enough to work, unless they he is a student. A female child must be supported until she is able to work or gets married. A father is also obligated to provide for his male and female children's medical care and for their education through the undergraduate university level. The obligation to provide for education and health care passes to the mother, if she is able, in the event that the father is unable or absent. She is entitled to be paid back by the father when he becomes able or returns. The amount is treated as a debt for which he is liable.

335. If the husband refused to pay marital expenses or maintain his children, his wife or the children he is supposed to be supporting may sue for those expenses in sharia courts. Any judgment is executed by the sharia court enforcement agencies. A wife may have her husband imprisoned if he refuses to pay the expenses he has been judged liable for. There is no need to demonstrate that he has the capacity when seeking his imprisonment. She may also have his wages or the equivalent garnished by 25 per cent. Where there are several debts, the debt for family upkeep takes priority. She may also have her husband's property impounded and sold at public auction. In addition, debt owed for the upkeep of wives and children is considered to be preferred debt. It must be paid before other debts out of the movable and immovable assets of the debtor. In the event that the judgment rendered on family upkeep is impossible to enforce, the Alimony Fund pays the wife and children as described earlier.

336. The rights and responsibilities of parents include the obligations to educate children and manage their assets under they reach the age of majority. That is to say, they have guardianship of the children and their assets. Both responsibilities fall primarily on the father, even where the mother or other relatives have custody of the children in question. Trusteeship of assets belongs only to the father, then to a trustee chosen by the father, then the trustee of that trustee, and then to the grandfather. If the father dies intestate, trusteeship of the children's assets reverts to the grandfather, then to a trustee chosen by him and then the trustee of that trustee. If there is no grandfather or trustee, then trusteeship goes to the court or a court-appointed trustee. A father may choose his wife as trustee for his children's assets after his death. The court may also appoint the mother as trustee for her children under rules and conditions specified by law. Guardianship over a person operates in the same was as guardianship for marriage. It reverts to the closest male relatives of the boy or girl, in accordance with the predominant practice in the Hanafi school.

337. The Islamic sharia favours a foster care system over adoption. There is no legal bar to a woman being a foster parent. In most cases, foster children are related to their foster parent, whether a man or a woman, but they keep their original names. The foster care system approved by the Cabinet in 2013 treats men and women the same. It stipulates that the foster family seeking the right to care for and raise the child should be stable and contain two spouses living together. The foster care situation only ends if both parents die. That is to say that the mother retains the right to care for the child even if her fellow foster parent husband dies.

### Divorce and separation

338. A man has the right to divorce his wife of his own free will for any reason, even without her consent. He also has the right to delegate another person to divorce his wife for him and register the divorce with the sharia court. The court then notifies the wife of the in-absentia divorce within a week of the registration.

339. There are two types of divorce. One is revocable divorce, which does not dissolve the marriage immediately. During the waiting period, the husband has the right to reinstate his wife by word or deed, even without her permission, and no new dowry is required. The second is irrevocable divorce. That dissolves the marriage on the spot. There are two types of irrevocable divorce. One is irrevocable divorce with minor separation, which occurs without three declarations of divorce, where the husband is allowed to remarry the divorced wife with a new marriage contract and dowry, with her consent. The second type is irrevocable divorce with major separation. In that case, the man may only remarry the divorced wife after she has married someone else in the meantime and then become divorced or widowed and completed the post-marital waiting period.

340. In principle, women may not divorce themselves on their own. However, there are a number of ways to seek an end to the marital relationship. They include the following:

- A woman may insert a clause in the marriage contract stating that she retains the right to divorce herself.
- A woman may seek annulment of the marriage contract on the grounds that the husband is not fulfilling his matrimonial duties under the law and under the marriage contract. She may sue for separation before a sharia court, but only through a long process with difficult requirements and in very specific cases. Those cases include the following: harm stemming from ongoing fighting between the spouses; harm stemming from the husband emigrating or abandoning her; insanity, illness or defect; failure to pay upkeep or the advance dowry; incarceration of the husband; failure by the husband to fulfil one of the conditions of the marriage contract.
- A woman may seek divorce by mutual consent, in which she requests a divorce in exchange for total or partial waiver of her financial rights.
- A wife may seek a court-ordered dissolution of the marriage if she has not yet consummated the marriage or been alone in complete seclusion with her husband. She may do so even without his consent by suing for dissolution of the marriage before a sharia court, on condition that she feels a revulsion against her husband that prevents her from consummating the marriage and embarking on married life, and that she pay a sum of money that she herself guarantees. That is in accordance with Circular No. 59 (2012) issued by the Office of the Chief Qadi.

341. A woman may go before a judge to seek compensation for being divorced by her husband arbitrarily for no acceptable reason. Such compensation is calculated in accordance with what the judge deems suitable, up to the equivalent of one year of upkeep. An award of compensation does not prejudice the other marital rights of the divorcee, including the right to alimony.

### Custody

342. Personal status laws in force among Muslims grant a woman the right to custody of her children, provided she is capable and regardless whether the woman is married or divorced and or whether the children are male or female. The father's

guardianship over his children continues throughout the custody period. He is also obligated to support them and to pay the cost of their dwelling and other costs associated with custody to the custodial parent (except to the mother during the marriage or during the waiting period after a revocable divorce).

343. After the mother, custody reverts to the next woman in the line of succession provided for in the Hanafi school, that is to say, the maternal grandmother, then the paternal grandmother, then the child's adult sister, and so on. If there are several people with custody rights at equal degrees of kinship, a judge may choose between them in the best interests of the child.

344. The period of custody is different in the West Bank than in the Gaza Strip. It also differs for male and female children. In the West Bank, the custody of a mother over her children lasts until natural or legal adulthood, which by law is 15 Islamic calendar years old. Custody for women other than the mother lasts until the age of 9 for a male child and the age of 11 for a female child. In the Gaza Strip, the custody of both a mother and other relatives lasts until the age of 7 for a boy and until the age of 9 for a girl, but a judge may extend custody to the age of 9 for a boy and the age of 11 for a girl if it is clearly in the child's best interest.

345. The right to custody is invalidated (for the mother or anyone else) if she marries a man who is not a close relative of the child. She can regain her right to custody if she gets divorced or the new husband dies, after the mandatory waiting period. Under the personal status code of the Syriac Orthodox Church, the custody period lasts until the age of 9 for a boy and the age of 11 for a girl. Custody belongs to the mother, but she loses custody if she marries someone else, whereupon custody reverts to the father.

346. When the period of custody ends, the female with custody hands the children over to the father. If the father is dead or does not have the capacity to assume custody, they are handed over to the grandfather, uncle or brother, and so on. If the father (or one of his close relatives) requests a female child to live with him after the custodial period is over and she rejects the request without justification, he may cut off support for her on the ground that she is rebellious. If a male child chooses between the mother and father when deciding where to live, his upkeep is not cut off if he chooses to stay with the mother.

347. The mother, like the father, has the right to see and host her children when they are living with the other custodial parent. She has the right to see and host her children once a week for a period of at least 24 hours, but she must return them to the male custodial parent when the period is over. A mother who is ruled in favour of may request speedy implementation without bail of judgments to hand over a male child or see him and to request imprisonment of the male custodial parent, even if it happens to be the father, until he complies.

348. A wife may keep her original family name and use it for all official transactions. Children are considered descendants of the father, and are required to bear his family name, because of the implications for inheritance and consanguineal relationships. The exception is in the case that the child is of unknown paternity, in which case he is regarded as the mother's descendant and bears her name.

349. With regard to work and the freedom to choose a profession, work is considered a right rather than a duty for women under the personal status codes. The wife has the right to work provided that her husband approves. She retains her right to marital upkeep and may compel her husband to provide for it even if she has a successful career. She loses her right to upkeep if she works without her husband's consent. Legislation in force does not restrict a woman's right to decide how many

children to have and determine the spacing between births. A woman does not need her husband's approval to use family planning means.

350. A woman has the right to own assets and property, and to manage and oversee them independently without interference by her husband. In case of divorce, both spouses retain their assets, even what was accumulated during the marriage. The sharia and ecclesiastical courts do not have jurisdiction to hear and rule on marital disputes over movable or immovable assets, whether they occur during a marriage or after it is dissolved. That jurisdiction belongs only to the civil courts.

**Inheritance**

351. The rules for distributing inheritance are detailed in the Holy Quran. They depend on marriage and kinship. Contrary to widespread belief, it is not the case that under Islamic inheritance rules the principle of a man inheriting twice what a female inherits is applied in all cases where inheritance shares are distributed between men and women. There are actually more than 30 situations in which the woman gets a share equal to or greater than that of a man, or where she inherits but the male counterpart does not. On the other hand, there are four cases where a woman inherits half the share of a man. In addition, a wife has a fixed share of her deceased husband's inheritance, which is one eighth if she there are children or grandchildren by the son. (Children are considered to include sons, daughters and children of a son.) If there are no children, the wife gets one fourth of the inheritance. The wife is entitled to take her dowry and all debts out of the inheritance prior to it being distributed to any of the other heirs, even if that debt absorbs the entire inheritance.

352. In 2011, with a view to preventing women from being exploited in times of hardship and grief, the Office of the Chief Qadi issued a circular intended to eliminate certain social attitudes, customs and traditions that pressure women to sign over their inheritances to their brothers. That circular prohibits the registration of any such arrangement with sharia courts until four months after the date of death, after a thorough accounting has been made of all the heritable assets, signed by all the heirs and certified by the relevant local agency. It also requires a signed declaration from three experts determining what is truly one eighth of the inheritance shares being divided up. Prior to being registered, the division agreement must also be published in the form of an advertisement or annex to a local newspaper for the period of at least a week.

353. The law requires marriages and divorces to be registered with a sharia court in the case of Muslims and a church in the case of Christians. A marriage contract must be drawn up by an authorized marriage officiant in an official document. If a marriage is concluded without an official document, the officiant, the spouses and the witnesses are liable to imprisonment and a fine. Anyone who fails to register a divorce with a sharia court within 15 days is also liable to imprisonment or a fine. Unfortunately, the penalties imposed are somewhat light and do not constitute a strong deterrent. They are not proportionate to the potential impact of failure to register a divorce on the rights of the woman. The parties involved in processing marriage contracts and divorce certificates must send copies to the Personal Status Directorate. Likewise, the competent courts are required to notify the Civil Status Directorate of any rulings concerning marriage, divorce or inheritance. The Directorate must enter certificates and rulings in the relevant files and keep copies of them.